

## **TOWN PLANNING BOARD**

### **Minutes of 509<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 25.4.2014**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr F.C. Chan

Mr David Y.T. Lui

Chief Traffic Engineer/New Territories East,  
Transport Department  
Mr K.C. Siu

Chief Engineer (Works), Home Affairs Department  
Mr Frankie W.P. Chou

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr H.M. Wong

Assistant Director/Regional 3,  
Lands Department  
Ms Anita K.F. Lam

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr Ivan C.S. Fu

Mr H.F. Leung

Dr Eugene K.K. Chan

Mr Peter K.T. Yuen

**In Attendance**

Assistant Director of Planning/Board  
Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board  
Mr Louis K.H. Kau

Town Planner/Town Planning Board  
Miss Anny P.K. Tang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 508<sup>th</sup> RNTPC Meeting held on 4.4.2014

[Open Meeting]

1. The draft minutes of the 508<sup>th</sup> RNTPC meeting held on 4.4.2014 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

2. The Secretary reported that there were no matters arising.

**Tuen Mun and Yuen Long West District**

[Mr W.S. Lau, District Planning Officer/Tuen Mun & Yuen Long West (DPO/TMYLW) and Mr C.C. Lau, Senior Town Planner/Tuen Mun & Yuen Long West (STP/TMYLW), were invited to the meeting at this point.]

**Agenda Item 3**

[Open Meeting]

Proposed Amendments to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31  
(RNTPC Paper No. 8/14)

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3. The Secretary reported that the item involved proposed amendments to the approved Tuen Mun Outline Zoning Plan (OZP), which included proposed rezoning of some sites to facilitate public housing developments by the Housing Department (HD) as the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item :

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|---|---|
| Mr. K.K. Ling<br>(the Chairman)<br>as the Director of Planning                    | - being a member of the Strategic Planning Committee (SPC) and the Building Committee of HKHA                                     |
| Ms Anita K.F. Lam<br>as the Assistant Director/<br>Regional 3, Lands Department   | - being an alternate member for the Director of Lands who was a member of HKHA  |
| Mr Frankie W.P. Chou<br>as the Chief Engineer (Works),<br>Home Affairs Department | - being an alternate member for the Director of Home Affairs who was a member of SPC and the Subsidised Housing Committee of HKHA |
| Dr C.P. Lau   | - owning a property in Tuen Mun   |
| Ms Janice W.M. Lai  | - having current business dealings with HKHA  |
| Mr H.F. Leung   | - having current business dealings with HD  |

4. Members noted that Mr H.F. Leung had tendered apologies for being unable to attend the meeting. Members also noted that the property of Dr C.P. Lau had a direct view to some of the proposed amendment sites. As the interests of the Chairman, Ms Anita K.F. Lam, Mr Frankie W.P. Chou, Dr C.P. Lau and Ms Janice W.M. Lai were direct, Members agreed that they should leave the meeting temporarily for this item. As the Chairman had left the meeting, the Vice-chairman took over the chairmanship of the meeting at this point.

[Mr K.K. Ling, Ms Anita K.F. Lam, Mr Frankie W.P. Chou, Dr C.P. Lau and Ms Janice W.M. Lai left the meeting temporarily at this point.]

#### Presentation and Question Sessions

5. The Secretary reported that before the meeting, two groups of people had made petitions and submitted several letters to the Committee against the proposed amendments to

the approved Tuen Mun Outline Zoning Plan (OZP). The letters were submitted by Ms Chu Shun Nga, a Tuen Mun District Councillor, and the Tuen Mun Branch of the Democratic Alliance for the Betterment and Progress of Hong Kong. An email from Mr Lo Man Ho, a Tuen Mun District Councillor, to the Town Planning Board (the Board) was also received. The letters were tabled at the meeting for Members' information.

6. With the aid of a PowerPoint presentation, Mr W.S. Lau, DPO/TMYLW, presented the proposed amendments as detailed in the Paper and covered the following main points :

Background

- (a) the proposed amendments to the Tuen Mun OZP were mainly related to the rezoning of 14 sites for residential purpose including four sites in Tuen Mun North (Sites A1 to A4), two in Tuen Mun Central (Sites B1 and B2), and eight in Tuen Mun East (TME) (Sites C1 to C5, and C7 to C9);
- (b) to maximize the development potential of housing land as announced in the Policy Address, in general a plot ratio (PR) of 6 for Tuen Mun North and Central and a PR of 3.6 for TME were proposed for most of the housing sites identified. Various technical assessments had been undertaken. It had been confirmed that the proposed amendments would not cause insurmountable problems on traffic and other infrastructural capacity as well as on the environmental aspect. To assess the visual impact of the proposed rezoning sites for residential use, Visual Appraisals for the sites had also been undertaken by the Planning Department (PlanD);
- (c) an Air Ventilation Assessment by (Expert Evaluation) (AVA EE) had been commissioned by PlanD to assess the likely impacts of all the proposed housing sites on the pedestrian wind environment. Based on the recommendations of the AVA EE, non-building areas (NBAs) were proposed to be designated on the OZP for five of the sites, namely Sites A3, B1, C4, C5 and C7. For these sites, existing air paths in the surrounding had been identified and NBAs were required to connect with the adjoining

air paths in facilitating wind penetration through the future developments to mitigate their air ventilation impact on the surrounding areas. The AVA EE also recommended the general direction and width of NBAs for four sites, namely Sites B2, C2, C3 and C9. Considering that no distinct air paths in the surroundings could be identified and that air permeability could be achieved through different design layouts, no fixed NBA alignment was proposed for these sites to allow for design flexibility. The requirements would be incorporated in the Explanatory Statement (ES) and lease/planning brief so that the future developer/HD would need to carry out an AVA to determine the wind corridors to commensurate with their intended layout and building design. The remaining five sites, namely Sites A1, A2, A4, C1 and C8, did not require designation of NBAs as they were relatively open to winds from all directions, not within major breezeways, relatively small in site areas and/or had no sensitive receivers in the surrounding. The AVA EE also recommended that in future developments including those with NBAs, minimisation of podium and fulfilment of building separation requirements in accordance with the Sustainable Building Design (SBD) Guidelines (APP-152) would also be required. Such requirements would be included in the ES of the OZP, lease/planning brief and be dealt with in detailed design stage;

- (d) there were existing trees and vegetation on the proposed housing sites. Tree preservation and compensatory planting proposals would be provided for future housing developments in accordance with the Development Bureau (DEVB) Technical Circular (Works) No. 10/2013 for Government projects and the Lands Department Lands Administration Office Practice Note No. 7/2007 for private projects. Requirements for submission of tree preservation proposals and landscaping proposals/landscape master plan, where appropriate, would be included in the planning brief or lease conditions;

Proposed Amendments to the OZP

***Tuen Mun North (Amendment Items A1 to A5)***

*Amendment Item A1 – Proposed Public Housing Development to the west of Kei Lun Wai and north of Castle Peak Hospital in Area 54*

- (e) it was proposed to rezone the site from “Government, Institution or Community” (“G/IC”) to “Residential (Group A)24” (“R(A)24”) for public housing development, subject to a maximum PR (domestic/non-domestic) of 5/9.5 and a maximum building height (BH) of 120mPD. The site was originally reserved for school development in 2000. Subsequently, the Education Bureau (EDB) considered that the school was not required and it could be released for public housing development. The site would provide about 1,000 flats;

*Amendment Items A2 and A5 – Proposed Public Housing Development at the fringe of a vegetated slope to the north of Hing Fu Street in Area 54*

- (f) it was proposed to rezone the flat-land part of the site from “G/IC” and minor portion zoned “Green Belt” (“GB”) and area shown as ‘Road’ to “R(A)25” (Site A2) for public housing development, subject to a maximum domestic PR of 5 and a maximum non-domestic PR of 0.4 as well as a maximum BH of 120mPD. The site would provide about 700 flats. A neighbourhood elderly centre and an integrated children and youth services centre would also be provided. The vegetated slope with ecological value would be rezoned from “G/IC” to “GB” (Site A5) to preserve the vegetated slope;
- (g) the site had all along been reserved for public purpose (i.e. community hall and indoor recreation centre) since 2000 and the recent proposal for rezoning the site for public housing had been made known to the public including through District Council consultations in 2012 and 2014. On this basis, RNTPC rejected a s.12A application (No. Y/TM/10) for rezoning Sites A2 and A5 from “G/IC” to “R(A)” for private residential development on 7.3.2014. On 10.3.2014, a new s.12A application (No. Y/TM/15) for rezoning most of Site A2 from “G/IC” to “Comprehensive Development Area” was submitted by the same applicant with a revised site boundary. The application was being processed in the usual manner;

*Amendment Item A3 – Proposed Public Housing Development to the northeast of Leung King Estate in Area 29*

- (h) it was proposed to rezone the site from “G/IC” with a minor portion zoned “R(A)” to “R(A)21” for public housing development, subject to a maximum domestic PR of 6 and a maximum non-domestic PR of 2 as well as a maximum BH of 140mPD with a 20m wide NBA along the south-western edge of the site. The site would provide about 830 flats. To meet the concerns of Tuen Mun District Council (TMDC), apart from accommodating the GIC facilities (including a community health centre) which was originally reserved at Site A4, social welfare and community facilities would also be provided in the proposed public housing development. HD was liaising with relevant departments on the detailed requirements of the facilities to be provided;

*Amendment Item A4 – Proposed Public Housing Development to the northeast of Shan King Estate in Area 2*

- (i) it was proposed to rezone the site from “G/IC” to “R(A)23” for public housing development, subject to a maximum PR (domestic/non-domestic) of 6/9.5 and a maximum BH of 110mPD. The site was previously reserved for a government clinic, which was now proposed to co-locate with the GIC facilities in Site A3. The site would provide about 260 flats;

***Tuen Mun Central (Amendment Items B1 and B2)***

*Amendment Item B1 – Proposed Private Housing Development at the Junction of Hoi Wing Road and Hang Fu Street in Area 16*

- (j) it was proposed to rezone the site from “G/IC” to “R(A)22” for private housing development, subject to a maximum PR (domestic/non-domestic) of 6/9.5, a maximum BH of 100mPD and a 15m wide NBA to align with Hang Kwai Street air path. The site would provide about 480 flats;

*Amendment Item B2 – Proposed Private/Public Housing Development at Hin Fat Lane in Area 39*

- (k) it was proposed to rezone the site from mainly “G/IC” and partly “GB” at

the southern side to “R(A)22” for private/public housing development, subject to a maximum PR (domestic/non-domestic) of 6/9.5, a maximum BH of 100mPD and a 20m wide NBA was recommended to be incorporated into the ES. The site would provide about 380 flats;

***Tuen Mun East (Amendment Items C1 and C13)***

*Amendment Item C1 – Tsing Ha Lane in Area 20*

- (l) it was proposed to rezone the site from “Residential (Group B)8” (“R(B)8”) (with a maximum PR of 1.3 and a maximum BH of 15 storeys (excluding basement floor(s)) to “R(B)2”, subject to a maximum PR of 3.6 and a maximum BH of 80mPD. The site would provide about 370 flats;

*Amendment Item C2 – Site at the Western Portion of Former Perwone Barracks*

- (m) it was proposed to rezone the site, which was part of the former Perwone Barracks, from “G/IC” to “R(B)15”, subject to a maximum gross floor area (GFA) of 69,780m<sup>2</sup> and a maximum BH of 70mPD. The requirement of the provision of an at least 15m wide NBA(s) would be incorporated into the ES. The site would provide about 1,160 flats;

*Amendment Items C3 and C11 to C13 – Site at the Eastern Portion of Former Perwone Barracks*

- (n) it was proposed to rezone the site from “G/IC” to “R(B)14”, subject to a maximum domestic GFA of 87,000m<sup>2</sup>, a maximum non-domestic GFA of 2,000m<sup>2</sup> and a maximum BH of 70mPD (southern portion) and 85mPD (northern portion). The requirement of the provision of at least 15m wide NBA(s) would be incorporated into the ES. The site would provide about 1,450 flats (Amendment Item C3);
- (o) the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) advised that the So Kwun Wat Perowne Barracks Site of Archaeological Interest was situated within Sites C2 and C3. It would be included in the ES of the OZP that AMO should be consulted on the development/redevelopment of the two sites. Besides,

two proposed Grade 3 historic buildings, i.e. Kesarbahadur Hall and Gurkha Temple, both being part of the former Perowne Barracks, were located within or adjoining the sites. Kesarbahadur Hall, located in southeastern part of Site C3, was proposed to be preserved and revitalized as part of the development. The Gurkha Temple to the north of Site C2 was proposed to be retained as “G/IC” zone for preservation and revitalization for community uses, and it was proposed to amend the BH restriction of 8 storeys to 1 storey (Amendment Item C13);

- (p) it was proposed to rezone the minor land parcels adjoining to the north of former Perowne Barracks (near Kwun Tsing Road) at Castle Peak Road – Castle Peak Bay, Tuen Mun Area 48 from “G/IC” to “GB” (Amendment Item C11); and a strip of land in the former Perowne Barracks (near Kwun Tsing Road) at Castle Peak Road – Castle Peak Bay, Tuen Mun Area 48 from “G/IC” to area shown as ‘Road’ (Amendment Item C12);

*Amendment Item C4 – Kwun Chui Road in Area 56*

- (q) it was proposed to rezone the site from “R(B)” (with maximum PR of 1.3 and BH of 10 storeys (excluding basement floor(s)), “GB” and “Comprehensive Development Area” (“CDA”)) (for minor boundary adjustment) to “R(B)17”, subject to a maximum domestic GFA of 72,960m<sup>2</sup>, a maximum BH of 80mPD and a 20m wide NBA in the middle of the site. The site would provide about 1,220 flats;

*Amendment Item C5 – to the south of Kwun Chui Road in Area 56*

- (r) it was proposed to rezone the site from “GB” with a minor portion zoned “R(B)” to “R(B)2”, subject to a maximum PR of 3.6, a maximum BH of 80mPD and a 20m wide NBA in the central part of the site. The site would provide about 720 flats;

*Amendment Items C6 and C7 – to the north of Mrs Cheng Yam On Millennium School in Area 56*

- (s) it was proposed to rezone the site from “R(B)”, “Open Space” (“O”) and “GB” (for minor boundary adjustment) to “R(B)18”, subject to a

maximum GFA of 78,200m<sup>2</sup>, a maximum BH of 90mPD (with the incorporation of a clause into the ES that all structures, including roof-top structures, should not exceed the Airport Height Restriction (AHR)) and a 20m wide NBA along its northern site boundary. To cater for the future demand for kindergarten in the area, EDB had proposed that a kindergarten with GFA of 890m<sup>2</sup> should be provided at this site. The site would provide about 1,290 flats (Amendment Item C7);

- (t) it was also proposed to rezone the existing vegetated slopes not suitable for development from “O” to “GB” (Amendment Item C6);

*Amendment Item C8 – Opposite to Mrs Cheng Yam On Millennium School in Area 56*

- (u) it was proposed to rezone the site from “R(B)” and “GB” to “R(B)2”, subject to a maximum PR of 3.6 and a maximum BH of 90mPD (with the incorporation of a clause into the ES that all structures, including roof-top structures, should not exceed the AHR). The site would provide about 390 flats;

*Amendment Items C9 and C10 – Former Gordon Hard Camp, Castle Peak Road – Castle Peak Bay, Area 48*

- (v) it was proposed to rezone the site from “G/IC” and a minor portion zoned “O” to “R(B)”, subject to a maximum PR of 1.3, a maximum BH of 6 storeys (excluding basement floor(s)) and at least one 15m wide NBA to align with the 32m wide building gap of Chu Hai College of Higher Education was recommended to be incorporated into the ES. The site would provide about 190 flats (Amendment Item C9);
- (w) to reflect the existing public beach use (i.e. Cafeteria Old Beach) adjoining Site C9, it was proposed to rezone the site which formed part of the public beach area and currently occupied by temporary works area from “G/IC” to “O” (Amendment Item C10);

Other Amendment Items

*Amendment Item D1 – San On Street in Area 12*

- (x) the site was occupied by an existing 14-storey commercial building namely Foo Yik Commercial Building with a residential care home for disability (RCHD) on lower floors. The proposed amendment was to reflect the decision of the Committee on a s.12A application (No. Y/TM/9) for rezoning the site from “Industrial” to “Commercial (1)”, subject to a maximum PR of 9.5 and a maximum BH of 85mPD to reflect the existing use, and to allow planning application to be submitted for RCHD use;

*Amendment Item D2 – to the east of Lung Fu Road in Area 45*

- (y) it was proposed to rezone the site from “GB” and “Other Specified Uses” (“OU”) annotated “Public Recreation and Sports Centre” to “Recreation” (“REC”) mainly to reflect a s.12A planning application (No. Y/TM/11) for a proposed holiday camp development, partially approved by the Committee on 5.4.2013 by placing ‘Holiday Camp’ under Column 2 of the Notes of the “REC” zone. The minor residual area of the “GB” was also incorporated into the rezoning proposal as it had the same character with the application site. In response to the Committee’s concerns, ‘Field Study/Education/Visitor Centre’ and ‘Place of Recreation, Sports or Culture’ were also placed under Column 2. The proposed “REC” zone would be subject to a maximum PR of 0.4, a maximum site coverage of 20% and a maximum BH of 2 storeys. The intention of minimizing tree felling and the required greening ratio of 30% would also be stated in the ES;

*Amendment Item E – to the west of the Proposed Toll Plaza of Tuen Mun – Chek Lap Kok Link*

- (z) it was proposed to rezone the “OU” annotated “Crematorium, Columbarium, Funeral Services Centre and Open Space” zone to “Undetermined”, as the proposed crematorium at the site was no longer required and the proposed columbarium had been replaced by an alternative site in Tsang Tsui. The site had been included in the ‘Planning and Engineering Study for Tuen Mun Areas 40 and 46 and the Adjoining

Areas' to review its future use;

*Amendment Item F – Tuen Fu Road, Fu Tai in Area 52*

- (aa) the development at the “CDA” site had been largely completed in 2004 except for a minor portion at the north-eastern part. In the 2013 CDA review, the Committee agreed to rezone the “CDA” site to reflect the existing development. Therefore, it was proposed to rezone the site to “R(B)16” subject to the same development restrictions of the approved scheme with a maximum PR of 3.0, a maximum site coverage of 30% and a maximum BH of 106mPD;

*Amendment Item G – 5 Lok Yi Street in Area 59*

- (bb) it was proposed to rezone the site from “OU” annotated “Supermarket, Restaurant and Other Commercial and Recreational Facilities” to “R(B)19” to reflect a s.12A application (No. Y/TM/6) approved by the Committee on 7.3.2014. The approved application was to facilitate a residential development with a GFA of 1,900m<sup>2</sup> for 10 houses of 3 storeys (excluding basement) cum 100m<sup>2</sup> non-domestic GFA for shop and services;

Public Consultation

- (cc) since early January 2014, three rounds of public consultations on the proposed amendments were conducted by the DEVB and/or PlanD. DEVB and PlanD consulted TMDC at its full Council meeting on 7.1.2014 and also its Working Group on Development and Planning (WGDP) on 27.1.2014. For further seeking the views from the residents of TME where there were eight proposed housing sites, a public forum was held by PlanD on 22.2.2014. All TMDC and South East Area Committee members, owners' incorporations of the estates near the amendments sites in TME and the Tuen Mun Rural Committee (TMRC) were invited. More than 50 residents including those near Site B1 and a TMDC member attended the forum. The views of TMDC, WGDP of TMDC and those received at the consultation forum and from the public had been fully considered and incorporated into the proposed amendments as appropriate;

and

- (dd) Subject to the Committee's agreement, TMDC would be consulted again on the amendments during the exhibition period of the draft OZP.

#### Provision of GIC Facilities and Open Space

7. In response to the Vice-chairman's and a Member's questions on the provision of GIC facilities and open space in Tuen Mun, Mr W.S. Lau referred to a slide showing a table on the provision of GIC facilities and open space in Tuen Mun and said that based on the planned population of the Tuen Mun Planning Scheme Area and the Hong Kong Planning Standards and Guidelines (which was included in Attachment X of the Paper), there would be a surplus provision of both local and district open spaces. There was also a surplus in the provision of primary and secondary school places. Although there was a shortfall of hospital beds in Tuen Mun District, the provision of hospital beds was determined on a regional basis and the Hospital Authority and the Food and Health Bureau would continue to monitor the situation.

#### Proposed Rezoning of "GB" Sites

8. The Vice-chairman asked about the current status of Sites C5 and C8 which were proposed to be rezoned from "GB" for residential purpose. Referring to a slide showing an aerial photo of the area (which was included in Plan 3h of the Paper), Mr W.S. Lau said that for Site C5, the site was previously part of a larger "R(A)" zone with an intention for public housing development on the Tuen Mun OZP No. S/TM/10 gazetted in 1997. Upon review under the TME Study in 2009, the "R(A)" zone for public housing development was considered not suitable due to its high development intensity. The site was then rezoned to "GB" in October 2009. In view of the current acute shortage of housing land, the land use of "GB" sites, including Site C5, had been reviewed, and it was proposed to rezone the site, which was in fact a piece of formed land and had little ecological value, for residential use (zoned "R(B)2"). In addition, the site was located adjacent to an existing residential development. For Site C8, Mr Lau continued to say that it was mainly zoned "R(B)" and included the adjacent slopes in "GB" zone with temporary structures and trees of little ecological value similar to Site C5. DAFC had also been consulted and had no adverse

comment on the rezoning proposals. However, to minimise possible landscape impact, requirements for tree preservation and landscaping would be included in the lease conditions of the respective sites.

9. A Member said that the planning intention of the “GB” zone was to prevent urban sprawl and served as a buffer between urban setting and natural landscape. It also served as visual corridors and air paths for the area. The “GB” sites with little ecological value could be enhanced rather than to be rezoned for residential developments. The same Member pointed out that “GB” sites in various districts had been identified for rezoning to residential use, including Tai Po and Tuen Mun, and it was expected that similar rezoning proposals in other areas would be put forward. This Member did not object to rezoning of “GB” sites for residential use in principle but considered that a full picture of how “GB” sites were selected should be presented. PlanD should also review the function of the “GB” zone and the justifications for individual rezoning sites should be provided in form of a table for easy reference.

10. Another Member shared the same views and raised concern on the proposed rezoning of the disturbed “GB” sites, which would send a wrong message to the public that the Board condoned a ‘destroy first, build later’ approach. However, this Member noted that for site with ecological value, it should be zoned “CA” instead of “GB”. The low ecological value of the “GB” sites should therefore not be a selection criterion for proposed rezoning.

11. In response, Mr W.S. Lau said that it was stated in the Policy Address that the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting the housing demand and “GB” sites disturbed long time ago with little ecological value would be reviewed first for housing purpose. It would not encourage ‘destroy first, build later’ development. The “GB” sites, including Site C5, were identified for rezoning after balancing all relevant factors, including that the sites were located adjacent to or amid the existing development areas.

12. The Secretary supplemented that “GB” and “CA” zones were two different concepts. The planning intention of “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. For “CA” zone, it was intended to protect

and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes. The “GB” sites involved in the proposed amendments were located at the urban fringe close to main roads with gentle gradient which were considered suitable for residential developments after review by concerned Government departments. Besides, being adjacent to the urban fringe, residential developments on the sites would achieve synergy effect by sharing the supporting facilities already provided in the existing development areas. In the current rezoning exercise, the area proposed to be rezoned from “GB” to residential use was limited (amounting to only 1.07 hectares), and over 740 hectares of “GB” zone would still remain in the Planning Scheme Area after the proposed rezonings. The Secretary referred Members to Attachment IX of the Paper and said that only three out of the 25 rezoning sites involved the “GB” zone. For applications which involved ‘destroy first, build later’ activities, the Board had had thorough discussions on this issue over the past few years and had agreed that no decision on such applications would be made before full investigation into whether unauthorised development was involved and the Board would not condone such unauthorized development. This was not relevant to the proposed rezoning of the “GB” sites which fell mainly on Government land.

#### Traffic Aspect

13. In response to two Members’ queries, Mr W.S. Lau said that it was estimated that a total of about 10,000 flats would be provided for about 25,500 additional population due to the proposed amendments, mostly in TME. The proposed zoning amendments for residential developments in TME had been included in the Traffic Impact Assessment of the Highway Department’s Widening of Castle Peak Road – Castle Peak Bay Project. The road widening project was scheduled to be completed in 2019. After the completion of the rezoning process, clearance for some sites would be required before they could be disposed of by land sale. Completion of the residential developments on these sites would likely be after 2019. For other developments which would be completed before 2019, the Commissioner for Transport had advised that the traffic demand from the population intake involved could be accommodated with the completion of the junction improvements works at Junctions J2 (Sam Shing Street), J5 (Tsing Yung Street), J6 (Tsing Ying Road) and J7 (Golden Beach Path) before 2019.

14. Noting that there were about 16 out of 25 amendment items related to rezoning for

residential developments, a Member asked if an overall traffic impact assessment for Tuen Mun had been conducted. Mr W.S. Lau said that concerned Government departments, including the Transport Department (TD), had been consulted on all the proposed amendments and confirmed that with the incorporation of suitable junction improvement in TME and road works in Area 54, the proposals would not have unacceptable adverse traffic impact on Tuen Mun as a whole. Mr K.C. Siu, Chief Traffic Engineer/New Territories East, TD referred to Attachment VIII of the Paper and said that a preliminary technical review for the amendment items in TME had been conducted by relevant departments to assess the feasibility of the proposed housing developments, including a traffic review by TD. The findings of the traffic review indicated that the proposed amendments would not cause insurmountable traffic problem with the implementation of the recommended junction improvement works.

#### Site B1 at the Junction of Hoi Wing Road and Hang Fu Street in Area 16

15. Referring to the petition letters tabled at the meeting, a Member noted that there were objections to a proposed amendment item at the junction of Hoi Wing Road and Hang Fu Street in Area 16 raised by some residents of the Nerine Cove. This Member enquired about the location of the concerned site. Referring to a slide showing its location, Mr W.S. Lau explained that the concerned site was Site B1. The residents objected to the proposed amendment mainly on the grounds of adverse visual and air ventilation impacts, and general concerns on GIC and open space provisions. To address the concerns raised by the residents, a 15m wide NBA across the site was proposed to align with Hang Kwai Street which would also avoid long frontage of the future development. Furthermore, requirements for minimisation of podium and fulfilment of the building separation in accordance with the SBD Guidelines would be included in the lease conditions.

16. A Member asked why the southern portion of the “G/IC” site was proposed to be rezoned to “R(A)22”, and whether the area could be reduced to avoid blocking the view of Nerine Cove. Another Member also enquired the future land use of the northern part of the “G/IC” site. Mr W.S. Lau said that there was no designated GIC use for the entire “G/IC” site while the long-term use of the northern part of the “G/IC” site was currently under review by the Government. Subject to the outcome of further detailed assessments, the northern part of the “G/IC” site might also be considered for residential use. To avoid fragmented

development and to allow design flexibility for future development, further reduction of the site area for Site B1 was not recommended.

#### Other Comments

17. In response to the enquiry of a Member, Mr W.S. Lau said that the overall ratio between public and private housing in Tuen Mun was about 58:42, which was generally in line with the ratio of 60:40 public/private split as recommended by the Long Term Housing Strategy Steering Committee.

18. In response to a Member's question regarding the criteria for determining the PR of the proposed housing sites, Mr W.S. Lau said that as stated in the 2014 Policy Address, the Government considered it feasible to generally increase the maximum domestic PR currently permitted for various "density zones" in the territory by around 20% as appropriate. Besides, PlanD had duly considered various factors such as traffic and infrastructural capacities, local characteristics, existing development intensity, visual impact and the possible impacts of the proposed developments on the areas concerned before recommending the PR.

19. In response to the same Member's question, Mr C.C. Lau, STP/TMYLW, said that Site C1 and the adjacent Castle Peak Bay Garden currently fell within a large "R(B)8" zone (subject to a maximum PR of 1.3 and a maximum BH of 15 storeys (excluding basement floor(s))). It was proposed to rezone Site C1 to "R(B)2" with a maximum PR of 3.6 and a maximum BH of 80mPD, which was relatively higher than Castle Peak Bay Garden (remained as "R(B)8" zone). Notwithstanding, the proposed BH was not incompatible with the existing building height of developments nearby.

20. Members generally agreed to the proposed amendments to the Tuen Mun OZP.

21. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/31 as set out in paragraphs 7 and 8 of the Paper;

- (b) agree that the draft Tuen Mun OZP No. S/TM/31A at Attachment II of the Paper (to be renumbered to S/TM/32 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Tuen Mun OZP No. S/TM/31A (to be renumbered to S/TM/32 upon exhibition) as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the OZP; and
- (d) agree that the revised ES at Attachment IV of the Paper was suitable for exhibition together with the draft OZP.

[The meeting was adjourned for a break of 5 minutes.]

[The Chairman, Ms Anita K.F. Lam and Ms Janice W.M. Lai returned to join the meeting and Professor S.C. Wong, Dr C.P. Lau, Ms Anita W.T. Ma, Dr W.K. Yau and Mr Frankie W.P. Chou left the meeting at this point.]

#### **Agenda Item 4**

##### **Section 12A Application**

[Open Meeting]

Y/TM/14                      Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31, to rezone the application site from “Open Space” to “Government, Institution or Community”, Lots 491 (Part), 492 (Part), 495RP, 498RP, 500 (Part), 501 (Part), 502 RP (Part), 503, 717 RP in D.D. 374 and Adjoining Government Land, So Kwun Wat, Tuen Mun, New Territories  
(RNTPC Paper No. Y/TM/14)

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22.                      The Secretary reported that Dr C.P. Lau had declared an interest in this item as he owned a flat in Kwun Tsing Road, So Kwun Wat.    Members noted that Dr C.P. Lau had left the meeting already.

23. The Secretary reported that the application had been deferred once for one month. The applicant on 11.4.2014 submitted further information providing further justifications to support the application. As more time was required for concerned Government departments to consider the further information, which would be essential in assessing the subject application, PlanD requested that the application be deferred for one month in order to allow time to consult concerned departments on the further information.

24. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting

### **Sha Tin, Tai Po and North District**

#### **Agenda Item 5**

##### **Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/NE-TK/15                      Application for Amendment to the Approved Ting Kok Outline Zoning Plan No. S/NE-TK/17, to rezone the application site from “Agriculture” to “Village Type Development”, Lot 665 in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. Y/NE-TK/15)

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25. As reasonable notice had been given to the applicant to invite him to attend the meeting and the applicant had indicated that he would not attend the hearing, Members agreed to proceed with the hearing in the absence of the applicant.

#### **Presentation and Question Sessions**

26. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

- Mr C.K. Soh – District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)
- Mr C.T. Lau – Senior Town Planner/Shan Tin, Tai Po and North (STP/STN)

27. Upon the invitation of the Chairman, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the proposed rezoning of the site, with a site area of 102.72m<sup>2</sup>, from “Agriculture” (“AGR”) to “Village Type Development” (“V”) was to facilitate a Small House development. The site was situated at the upper foothills between Pat Sin Leng Country Park and Ting Kok Village and was a piece of abandoned agricultural field covered with weeds. It was located within the lower indirect Water Gathering Ground (WGG) outside the village ‘environs’ (‘VE’) of Shan Liu Village;

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

Justifications from the Applicant

- (b) the applicant was an indigenous villager of the New Territories and was entitled to apply for building a Small House. There was insufficient land in the existing “V” zone of Shan Liu for Small House developments. The Lands Department (LandsD) had revised and enlarged the ‘VE’ of Shan Liu but PlanD had refused to enlarge the “V” zone as suggested by the Tai Po District Council (TPDC) and the Tai Po Rural Committee (TPRC);
- (c) although the site was located within the lower indirect WGG, Small House developments were not impossible should the water pollution problem be resolved and there were previous approvals of Small House applications within the lower indirect WGG. The applicant had obtained consent from the concerned lot owner to allow the sewerage connection to pass through

the adjoining private lots to the nearest trunk sewer within 40m. Professionals would be appointed to submit detailed sewerage connection proposal upon approval granted by the Committee;

Departmental Comments

- (d) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell wholly outside the 'VE' of Shan Liu;
- (e) the Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the "V" zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. Notwithstanding, the application only involved construction of one Small House. C for T considered the application could be tolerated unless it was rejected on other grounds;
- (f) the Director of Environmental Protection (DEP) did not support the application as the site fell within the WGG and any improper wastewater treatment might lead to water quality problem in the WGG. There was no planning control mechanism to impose conditions under the rezoning application in ensuring that the applicant shall connect the house to future public sewer and that the construction of the house should not be commenced before the completion of the planned sewerage system;
- (g) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect WGG and fell entirely outside the "V" zone and 'VE' of Shan Liu. Hence, relevant criteria in the "Interim Criteria for Consideration of Applications for NTEH/Small House in New Territories" were not satisfied;
- (h) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within the "AGR" zone and had high

potential for rehabilitation of agricultural activities;

- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from landscape planning point of view. The approval of the application would set an undesirable precedent to similar applications, leading to more piecemeal patches of land being rezoned for Small House development. If the site was rezoned, there would be no measure to ensure that the applicant would provide landscape treatment on the site;

#### Public Comments

- (j) during the first three weeks of the statutory publication period, three public comments from a member of the public, Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited were received. The commenters objected to the application mainly on the grounds of being not in line with the planning intention of “AGR” zone; cumulative impact on potential farmland; no impact assessment on traffic and environment; and fragmented rezoning. No local objection/view was received by the District Officer (Tai Po); and

#### PlanD’s Views

- (k) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper which were summarised as follows:
  - (i) in 2012, the Committee considered a land use review of Shan Liu (the Review) undertaken by PlanD. The Committee agreed that the proposed “V” zone extension should be confined to an area that would not jeopardize the existing natural landscape and rural setting nor cause the water resources to be contaminated by wastes and pollutants. The site was more than 120m and 80m away from the existing “V” zone and the proposed “V” zone extension. The approval of the subject application would result in piecemeal development and set an undesirable precedent for other similar applications;

[Ms Anita K.F. Lam returned to join the meeting and Ms Janice W.M. Lai left the meeting temporarily at this point.]

- (ii) according to the DLO/TP, LandsD's record, although the land available in "V" zone and the proposed "V" zone could not fully meet the 10-year Small House demand forecast, it was sufficient to accommodate the demand arising from the current outstanding Small House applications. Undeveloped land available within the proposed "V" zone should be developed first before considering any extension. DLO/TP, LandsD did not support the application as the site fell entirely outside the 'VE' of Shan Liu;
- (iii) the proposed Small House development was not incompatible with the surrounding areas which are rural in character. DAFC did not support rezoning as it had good potential for rehabilitation of agricultural activities. CTP/UD&L, PlanD also had reservation on the proposed rezoning as it would result in piecemeal "V" zone. The applicant failed to provide strong planning justifications to support the application;
- (iv) the site fell within the lower indirect WGG. There would be no planning control mechanism to ensure that there would not be adverse water quality impact on the WGG. Both DEP and CE/Dev(2), WSD did not support the rezoning application; and
- (v) similar s.12A applications were not agreed by the Committee in February 2004, June 2013 and February 2014 mainly for reasons that the sites fell within the WGG and the proposed Small House developments would have adverse impact on the water quality of the area. There was no strong justification in the submission to warrant a departure from the previous decisions of the Committee.

28. As there was no question from Members, the Chairman said that the Committee

would deliberate on the application in the absence of PlanD's representatives. He thanked PlanD's representatives for attending the hearing. They left the meeting at this point.

### Deliberation Session

29. After deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “ (a) the site is located in the middle portion of the “Agriculture” (“AGR”) zone far away from the existing “Village Type Development” (“V”) zone to its west. The proposal would result in piecemeal and isolated extension of the “V” zone and set an undesirable precedent for other similar applications in the area. The applicant fails to provide strong planning justifications in the submission to support the rezoning of the site from “AGR” to “V”; and
  
- (b) the site falls within the lower indirect water gathering ground (WGG). Rezoning the site from “AGR” to “V” for Small House development is considered not appropriate in that proper planning control on Small House development through s.16 planning application is required to ensure that there would not be adverse water quality impact on the WGG.”

**Sai Kung and Islands District**

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/SLC/135

Proposed Swimming Pool and Garden Ancillary to an Existing House on a Temporary Basis for a Period of 5 Years in “Green Belt” Zone, Lot No. 131 in D.D. 321, Tai Long Wan Tsuen, Lantau Island  
(RNTPC Paper No. A/SLC/135)

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30. The Secretary reported that on 22.4.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to respond to departmental and public comments. This was the first time that the applicant requested for deferment.

31. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Sha Tin, Tai Po and North District**

[Mr Anthony K.O. Luk, Mr Wallace W.K. Tang, Mr C.T. Lau, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), and Ms Narelle Hamey, Senior Landscape Architect, PlanD (SLA, PlanD), were invited to the meeting at this point.]

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/805                      Proposed Public Utility Installation (Sewage Pumping Station) in  
“Green Belt” Zone, Government Land in D.D. 171, Kau To, Sha Tin,  
New Territories  
(RNTPC Paper No. A/ST/805D)

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32.            The Secretary reported that the application was submitted by the Drainage Services Department (DSD) and AECOM Asia Co. Ltd. (AECOM) was the consultant of the applicant. The following Members have declared interests in this item :

Professor S.C. Wong    -    having current business dealings with AECOM. He  
(the Vice-chairman)        was also the Chair Professor and Head of the  
Department of Civil Engineering, and Director of the  
Institute of Transport Studies of the University of  
Hong Kong while AECOM had sponsored some  
activities of the Department and the Institute

Mr Ivan C.S. Fu            -    having current business dealings with AECOM

Ms Janice W.M. Lai      -    having current business dealings with DSD and  
AECOM

33.            Members noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Professor S.C. Wong had left the meeting already. Members also considered that Ms Janice W.M. Lai’s interest was direct and noted that she refrained from joining the meeting.

**Presentation and Question Sessions**

34.            Mr Anthony K.O. Luk, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application highlighting that the proposed sewage pumping station (SPS) was located beside Yung Ping Path, Kau To and was intended to serve the remaining unsewered area in the Kau To area, including Kau To Village and adjacent private residential developments. To implement the SPS, a total of 15 trees including 8 non-invasive trees (including a mature *Cinnamomum camphora*) and 7 invasive trees, would need to be felled. On 5.4.2013, the application was first considered by the Committee. After giving consideration to the application, the Committee decided to defer a decision on the application pending submission of further information on (i) feasibility of retaining the mature *Cinnamomum camphora*; and (ii) the kinds of trees that would need to be felled under the two options tested by the applicant;
- (b) in response to the Committee's comments, the applicant submitted a summary of options (Options A to D) comparing the landscape, visual, traffic, construction noise impacts, land requirement, construction cost and the public acceptance of different options, and a schedule of trees to be affected. The original proposal was considered as having the least adverse impacts and therefore maintained as the proposed option. The applicant had also considered the feasibility of transplanting the *Cinnamomum camphora* but envisaged that the survival rate of the tree on steep sloping ground nearby would not be high. On 16.8.2013, the Committee considered the further information and decided to further defer a decision on the application pending submission of further information on (i) consideration of other possible locations of the SPS with a view to minimizing the adverse landscape impacts, in particular the feasibility of preserving the *Cinnamomum camphora*; (ii) consultation of local residents on the different options; and (iii) alternative layout and configuration of the proposed SPS with a view to protecting the concerned tree;
- (c) in response to the Committee's request, the applicant had submitted further information in support of the application :

- (i) the applicant stated that during the preliminary design stage in 2008, five options (Sites 1 to 5) had been developed and public consultation had been carried out with the two most sensitive residential developments, i.e. Jade Villa and Pine Villa, in view of their close proximity to the potential SPS sites. With the public support, Site 2 under the Proposed Option was selected. Besides the Proposed Option, four other options (Options A to D) had been explored by the applicant in the last two submissions while one more option (Option E) had been provided in this submission for comparison purpose. The applicant had also consulted the residents of Jade Villa and Pine Villa on the options (the Proposed Option and Options C to E) by questionnaires. The result showed that the majority of the respondents maintained support for the Proposed Option notwithstanding that the concerned tree could not be retained;
- (ii) the applicant assured that the Proposed Option was the most desirable in terms of environmental, traffic, technical performances (including drainage impact, geotechnical impact, accessibility and safety risk), construction cost, implementation programme, and most importantly, public support;
- (iii) the applicant had also explored all feasible options that could retain the concerned tree but they did not have sufficient local support and would involve other technical difficulties. The applicant reaffirmed that the layout and configuration of the Proposed Option was considered as the most desirable one with all the relevant considerations taken into account; and
- (iv) the applicant had been under public pressure to implement the SPS as scheduled after years of waiting. Should the Proposed Option be not accepted, the sewerage scheme in the area might have to be withdrawn as there was no other option which had gained support of the locals. The applicant urged for the approval of the Proposed

Option for early commencement of works in view of the essential need to serve the local community and to address the water pollution problem in the area;

- (d) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application. There were some significant landscape resources and landscape character found within and/or adjacent to the proposed development, including two *Machilus chekiangensis* and natural stream course landscape. The Proposed Option, Option C and Option E would cause different levels of landscape impacts and CTP/UD&L, PlanD concurred with the applicant that the Proposed Option was the preferred option. In order to mitigate the loss of the *Cinnamomum camphora*, the applicant was recommended to provide additional roadside landscape enhancement along Yung Ping Path;
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 5 of the Paper. The proposed SPS was an essential utility serving the local community. The SPS had to be built near the stream valley beside Yung Ping Path but close enough to the catchment area to convey the sewage uphill to the trunk sewer. Amongst the 10 possible SPS locations, Sites 1, 3, 4 and 5 were not supported by the local residents at the preliminary site selection stage whilst Options A and B were not recommended as preservation of the concerned tree could not be guaranteed. The local consultations on the Proposed Option and Options C to E conducted by the applicant had shown that there was a general local preference for the Proposed Option notwithstanding that the concerned *Cinnamomum camphora* could not be preserved. CTP/UD&L, PlanD agreed that the applicant had demonstrated that there was no better alternative site in terms of tree preservation, minimizing the loss of existing landscape resources and the potential disturbance to the surrounding landscape. In this regard, the Proposed Option was the preferred option. In comparing the loss of greenery among Options C, D, E and the proposed site, the proposed site

had the least reduction in greenery.

35. In response to a Member's question, Mr Anthony K.O. Luk explained that according to the applicant, Site 5 was not pursued further during the preliminary design stage in 2008 in view of the lack of public support. Due to the level difference between Site 5 and Yung Ping Path, construction of a massive retaining structure would be required and significant visual impact on Jade Villa and Pine Villa was anticipated.

#### Deliberation Session

36. A Member had reservation on the Proposed Option and noted that the applicant had compared the *Cinnamomum camphora* affected under the Proposed Option with the *Machilus chekiangensis* affected under Options C to E. This Member considered that the mature *Cinnamomum camphora* was a valuable tree which should be preserved, and asked whether it was possible to reduce the size of the SPS or relocate the SPS to another location. In response, Mr Anthony K.O. Luk explained that the roots of the *Cinnamomum camphora* would be affected by the excavation and temporary works area of the SPS, but it would not be feasible to reduce the size of the SPS substantially. The applicant had studied 10 different options with different layouts and configurations trying to retain the concerned tree, and it was concluded that the Proposed Option was the most desirable after balancing all the considerations. Mr Luk referred to a slide showing the technically feasible zone of the SPS and said that the SPS had to be built near the stream valley. The depth of the SPS would be deepened with an increase in the distance between the sewage discharge point and the SPS. Longer distance and deeper excavation would result in additional adverse landscape impact. Moreover, visual impact on the residential area around Lai Ping Road was expected.

37. Ms Narelle Hamey, SLA, PlanD, concurred with the Member's view that the *Cinnamomum camphora* was a valuable tree. Nevertheless, there were other big trees and Camphor trees around. Amongst the 10 options studied by the applicant, there were pros and cons of each option in terms of the landscape and visual impacts while each option would involve some tree felling. Ms Hamey agreed with the applicant that, after reviewing all the options, there was no better alternative site. In view of the number of trees that were proposed to be felled, the applicant should be required to provide compensatory planting within the site and reinstatement planting within the temporary works area, particularly along

the road side area as far as possible.

38. In response to the same Member's enquiry, Ms Hamey referred to a slide showing the section plan of the SPS and its adjoining slope and said that the *Cinnamomum camphora* was located on a steep slope and as the survival rate of such a mature tree on a slope after transplanting was not promising, transplanting of the tree was not recommended.

39. Another Member also had reservation on the application as the *Cinnamomum camphora* was valuable. This Member was of the view that the Committee should consider if the preservation of the valuable tree should outweigh the local objections and an alternative location for the SPS should be identified.

40. A Member said that in view of the essential need for the SPS and 10 options had already been studied by the applicant, the Committee should make a choice and accept trade-offs. Having regard to the general local preference for the proposed site, this Member had no objection to the application. This view was echoed by another Member who asked PlanD's representative to elaborate on the supporting evidence to show that the SPS was essential. In response, Mr Luk said that the catchment of the proposed SPS covered the unsewered area in the Kau To area including Yucca Villa, Jade Villa, Pine Villa and First Assembly of God Church, which were using septic tanks for sewage treatment. As the developments were located close to the stream course of Kau To Hang, there was potential pollution risk on the water quality of Kau To Hang, which was connected to Shing Mun River and Tolo Harbour. The SPS was therefore essential.

41. A Member said that the proposed SPS should be supported as it was an essential sewerage facility which would protect the environment. A balance should be struck between various factors and it was noted that the proposed site had least reduction in greenery. This view was echoed by another Member.

42. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB”

43. The Committee also agreed to advise the applicant of the following :

- “ (a) the applicant is advised to avoid/minimize the impact on the existing trees and avoid felling of trees as far as possible;
- (b) the applicant is recommended to implement additional roadside landscape enhancement along Yung Ping Path to mitigate the loss of roadside mature tree T0002;
- (c) to note the District Lands Office/Shau Tin, Lands Department (LandsD)’s comments that a separate Government Land Allocation (GLA) application should be submitted to LandsD once approval has been obtained from the TPB. The GLA application shall be considered by LandsD in its capacity of the landlord at its sole discretion and any approval given will be subject to the terms and conditions as determined by LandsD. In normal case, at least 9 to 12 months should be catered for the GLA application;
- (d) to note the Director of Fire Services’ comments that Emergency Vehicle Access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by the Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the Chief Building Surveyor/New Territories East, Buildings Department’s comments that any proposed building works on the leased

Government land should be submitted for approval under the Buildings Ordinance;

- (f) to note the Director of Agriculture, Fisheries and Conservation's comment that the Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 – Protection of natural streams/rivers from adverse impacts arising from construction works should be followed to avoid potential impact on the stream during the construction stage;
- (g) to note the Commissioner of Transport's comments that a minimum of one goods vehicle loading/unloading space should be provided within the pumping station to serve for the maintenance of the pumping station; and
- (h) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures :
  - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
  - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

[The Chairman thanked Mr Anthony K.O. Luk, STP/STN, and Ms Narelle Hamey, SLA, PlanD, for their attendance to answer Members’ enquiries. They left the meeting and Ms Janice W.M. Lai returned to join the meeting at this point.]

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting]

A/NE-FTA/139                      Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” and “Open Space” and “Road” Zones, Lots 184 RP and 187 RP (Part) in D.D. 52, Sheung Shui Wa Shan, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-FTA/139)

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44.            The Secretary reported that on 11.4.2014, the applicants had requested for deferment of the consideration of the application for two months in order to allow time to prepare technical assessments and proposals to support the application. This was the first time that the applicants requested for deferment.

45.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment

would be granted unless under very special circumstances.

## **Agenda Items 9 and 10**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/140          Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 252 S.A ss.1 in D.D. 52, Sheung Shui Wa  
Shan, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-FTA/140 and 141)

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A/NE-FTA/141          Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 252 S.A RP in D.D. 52, Sheung Shui Wa  
Shan, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-FTA/140 and 141)

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46.            The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

### **Presentation and Question Sessions**

47.            Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the applications;
- (b)    the proposed house (New Territories Exempted House – Small House) at each of the sites;
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from

an agricultural development standpoint as the sites were of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T considered the applications could be tolerated unless they were rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape planning perspective. It was considered that although significant disturbance to existing landscape resources caused by the proposed Small Houses was not anticipated, approval of the applications would encourage spreading of village development outside the “V” zone which would erode the landscape buffer between the “V” zone and the adjacent river channel;

- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received from a North District Council (NDC) Member and Kadoorie Farm & Botanic Garden Corporation. The NDC Member supported both applications as they could facilitate the villagers to build Small Houses. Kadoorie Farm & Botanic Garden Corporation objected to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Agriculture” zone; active agricultural activities were observed in the vicinity; and agricultural land should be retained to safeguard the food supply for Hong Kong;
- (e) the District Officer (North) conveyed that the incumbent North District Councillor cum Indigenous Inhabitant Representative (IIR) of Sheung Shui Heung, the Chairman of Sheung Shui District Rural Committee, other two IIRs of Sheung Shui Heung, the Resident Representative (RR) of Sheung Shui Heung, the IIR of Wa Shan Village and the RR of Wa Shan Village

had no comment on the applications. However, the incumbent North District Councillor cum IIR of Sheung Shui Heung expressed the view that the existing local footpath and access road should be retained by the applicants for the use of other villagers; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the applications as the sites were of high potential for agricultural rehabilitation, it should be noted that the applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories and there was insufficient land within the “V” zone of the Wa Shan Village to meet the Small House demand. The proposed Small Houses were not incompatible with the surrounding rural environment dominated by farmland, Small Houses and tree groups. The proposed Small Houses were located about 60m from Ng Tung River to its south-west and adjacent to the existing Wa Shan Village and sites of other approved Small House developments. To address CTP/UD&L, PlanD's concern on potential landscape impact, approval condition on the submission and implementation of landscape proposal was recommended. Besides, the applications could be tolerated by C for T. It was not anticipated that the proposed developments would have significant adverse environmental, drainage and traffic impacts on the surrounding areas. Regarding the public comment on each of the applications, the above assessments were relevant. It should also be noted that the sites did not encroach on any existing footpath and local access road and the proposed developments would unlikely affect the villagers in the nearby area.

48. Members had no question on the application.

#### Deliberation Session

49. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission

of each of the applications should be valid until 25.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

- “ (a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

50. The Committee also agreed to advise the applicant of each of the applications of the following :

- “ (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is in close proximity to the mitigation planting area for Ng Tung River maintained by her department, the proposed Small House development should not encroach or affect the planting area;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows :
  - (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and

maintenance of the inside services within the private lots to his department's standards; and

- (ii) the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Environmental Protection that the applicant should give due consideration to the traffic noise issue during detailed design of the proposed development; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

## **Agenda Item 11**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/142      Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lot 203 RP in D.D. 52, Sheung Shui Wa Shan, Sheung Shui, New Territories  
(RNTPC Paper No. A/NE-FTA/142)

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Presentation and Question Sessions

51. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site was of high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council Member who supported the application mainly on the grounds that the proposed development could provide convenience to the villagers. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
  - (i) the proposed development was not entirely in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application as the site had high potential for agricultural rehabilitation. There was no strong justification to merit a departure from the planning intention of “AGR” zone, even on a temporary basis;
  - (ii) the proposed development was not incompatible with the

surrounding rural landscape character. However, the site was in close proximity to the existing domestic structures to the south and the proposed open storage use was likely to have adverse environmental impact to the residents nearby. In this regard, DEP did not support the application; and

- (iii) the site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application did not comply with the TPB PG-No. 13E in that there was no previous approval granted at the site and the site area was less than 1,000m<sup>2</sup>. The applicant failed to demonstrate that the development would not have adverse environmental impact on the surrounding area. Approval of the current application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in adverse impact on the environment of the area.

52. Members had no question on the application.

#### Deliberation Session

53. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “ (a) the application is not in line with the planning intention of the “AGR” zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission to justify a departure from such planning intention, even on a temporary basis;

- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous planning approval granted at the site; there are adverse departmental comments on the application; and the applicant has failed to demonstrate that the development would have no adverse environmental impact on the surrounding area; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

### **Agenda Items 12 and 13**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/538            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1759 S.A in D.D. 76, Ma Mei Ha Leng Tsui,  
Fanling, New Territories  
(RNTPC Paper No. A/NE-LYT/538)

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A/NE-LYT/539            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 1760 S.D in D.D. 76, Ma Mei Ha Leng Tsui,  
Fanling, New Territories  
(RNTPC Paper No. A/NE-LYT/539)

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54.            The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

#### **Presentation and Question Sessions**

55.            Mr Wallace W.K. Tang, STP/STN, presented the applications and covered the

following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as the sites were of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T considered the applications could be tolerated unless they were rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received. One was submitted by a North District Council member who supported the applications on the ground that the proposed development would bring convenience to the villagers. The other comment submitted by Kadoorie Farm & Botanic Garden Corporation objected to the applications mainly on the grounds that they were not in line with the planning intention of the “Agriculture” zone; and the cumulative impact of approving similar applications and the loss of agriculture land should be considered;
- (e) the District Officer (North) conveyed that the Chairman of Fanling District Rural Committee had no comment on the applications while the Resident Representative of Leng Tsui commented that the planning, accessibility

and drainage issues should be properly dealt with by the applicants; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the applications as the sites were of high potential for agricultural rehabilitation, it should be noted that the applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories and there was insufficient land within the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen to meet the Small House demand. The proposed Small Houses were not incompatible with the surrounding area of rural landscape character dominated by village houses and farmlands. Besides, the applications could be tolerated by C for T. It was also not anticipated that the proposed developments would have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas. Regarding the public comments, the above assessments were relevant.

56. Members had no question on the application.

#### Deliberation Session

57. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 25.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

- “ (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and

- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

58. The Committee also agreed to advise the applicant of each of the applications of the following :

“ (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows :

- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standard; and

- (ii) the site is located within the flood pumping gathering ground;

(b) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

(c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Sha Tau Kok Road to the site is not maintained by HyD;

(d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that trees and shrubs should be provided within the site in order to enhance greening of the site; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

#### **Agenda Item 14**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/88            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lot 328 S.F. in D.D.37, Man Uk Pin Village, Sha  
Tau Kok, New Territories  
(RNTPC Paper No. A/NE-MUP/88)

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##### **Presentation and Question Sessions**

59.            Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from

an agricultural development point of view as the site was part of a plant nursery and the agricultural activities in the vicinity were active. DAFC also had reservation on the application from nature conservation point of view as the site was about 3m from the Man Uk Pin Stream, of which its upstream was an Ecologically Important Stream (EIS) administered by the Agriculture, Fisheries and Conservation Department. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involved construction of one Small House. C for T considered the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, five public comments were received. One of the comments, submitted a North District Council (NDC) Member, supported the planning application on the ground that the application would be beneficial to the village. The remaining four comments, submitted from a local resident, a group of residents in Man Uk Pin, the Kadoorie Farm & Botanic Garden Corporation and World Wide Fund for Nature Hong Kong, objected to the application mainly on the grounds that the application was not in line with the planning intention of the “Agriculture” zone; the cumulative impact of Small House developments would cause degradation of the environment; there was still plenty of land within the “V” zone of Man Uk Pin for Small House development; and approval of the application would set an undesirable precedent for similar applications;

[Mr Lincoln L.H. Huang left the meeting temporarily at this point.]

- (e) the District Officer (North) conveyed that the Chairman of Sha Tau Kok District Rural Committee supported the application, while a NDC Member and the village representatives of Man Uk Pin had no comment on the

application; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the application as the site was currently part of a plant nursery and the agricultural activities in the vicinity were active, it should be noted that the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories and there was insufficient land within the “V” zone of Man Uk Pin Village to meet the Small House demand. For the Man Uk Pin Stream, it should be noted that the EIS at the upstream was about 70m to the north of the site which was at the downstream. The Director of Environmental Protection also had no objection to the application as the proposed Small House alone would unlikely cause major pollution to the area. However, appropriate approval condition on the submission and implementation of drainage proposal could be imposed to minimize possible adverse drainage impact on the adjacent area. Besides, the application could be tolerated by C for T. Regarding the public comments, the above assessments were relevant.

60. Members had no question on the application.

#### Deliberation Session

61. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

62. The Committee also agreed to advise the applicant of the following :

- “ (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that :
- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
  - (ii) the site is located within flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public storm water drainage and public sewerage connections are available;
- (c) to note the comments of the Director of Fire Services that the applicant should observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to follow the requirements as set out in the Professional Persons Environmental Consultative Committee (ProPECC) Practice Notice 5/93 on the design and construction of the septic tank and soakaway pit system for the proposed Small House published by the Environmental Protection

Department; and

- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

### **Agenda Items 15 and 16**

#### **Section 16 Application**

[Open Meeting]

A/NE-KLH/461 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 183 S.A in D.D. 9, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/461 & 462)

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A/NE-KLH/462 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 183 S.B in D.D. 9, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/461 & 462)

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63. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

64. The Secretary reported that on 16.4.2014, the applicants had requested for deferment of the consideration of the applications for two months in order to allow time to prepare further information to address departmental comments. This was the first time that the applicants requested for deferment.

65. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its

consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicants that two months was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting]

A/NE-KLH/464            Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in "Agriculture" Zone, Lots 854 S.C ss.1, 854 S.C ss.2, 855 S.B ss.1, 855 S.B RP, 855 S.D RP, 854 S.G, 854 S.H, 854 S.I ss.2, 855 S.D ss.1, 855 S.E, 867 S.A and 867 S.C in D.D. 9, Yuen Leng, Tai Po, New Territories  
(RNTPC Paper No. A/NE-KLH/464)

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66.            The Secretary reported that on 1.4.2014, the applicants had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information on the location of the septic tanks. This was the first time that the applicants requested for deferment.

67.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicants that two months was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 18**

Section 16 Application

[Open Meeting]

A/NE-KLH/465            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 461 RP in  
D.D. 7, Tai Hang, Tai Po, New Territories  
(RNTPC Paper No. A/NE-KLH/465)

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68.            The Secretary reported that on 27.3.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to respond to the departmental comments. This was the first time that the applicant requested for deferment.

69.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/502                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 271 S.A  
ss.4 in D.D. 10, Pak Ngau Shek Ha Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/502)

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### **Presentation and Question Sessions**

70.            Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)        background to the application;
- (b)        the proposed house (New Territories Exempted House – Small House);
- (c)        departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural point of view as the site had high potential for rehabilitation of agricultural activities;

[Mr Lincoln L.H. Huang returned to join the meeting and Mr K.C. Siu left the meeting temporarily at this point.]

- (d)        during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited who objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, there was no traffic and environmental assessments and the approval of the application would have cumulative impact on degradation of farmland. No local objection/view was received by the District Officer

(Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper and were summarised below :
- (i) the planning intention of the “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from agricultural point of view. There was also a public comment objecting to the application;
  - (ii) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land within the “Village Type Development” (“V”) zone to meet the Small House demand. Although the site was located on the periphery of the “V” zone and adjacent to village houses under development, the area to the south of the site in the “AGR” zone generally remained undeveloped and the proposed Small House under application was not considered as an in-fill development; and
  - (iii) there had been no change in planning circumstance since the Committee rejected the previous Small House application (House 4 in application No. A/NE-LT/470) at the site, there was no strong planning reason to warrant a sympathetic consideration and departure from the Committee's previous decision.

71. Members had no question on the application.

#### Deliberation Session

72. A Member referred to Plan A-4 of the Paper and asked if planning approval had

been granted to the house being constructed next to the site. In response, Mr C.T. Lau, STP/STN, said that the concerned house fell within the “V” zone and planning permission from the Town Planning Board was not required.

73. After further deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “ (a) he proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in the New Territories in that there is still sufficient land available within the “Village Type Development” (“V”) zone to fully meet the future Small House demand; and
- (b) the applicant fails to demonstrate in the submission why there is no alternative land available within areas zoned “V” for the proposed development.”

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting]

A/NE-SSH/89                      Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 5 Years in “Village Type Development” Zone, Lots 1046, 1047 and 1051(Part) in D.D. 165 and Adjoining Government Land, Tseng Tau Village, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/89)

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74. The Secretary reported that on 14.4.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to respond to the departmental comments. This was the first time that the applicant requested for deferment.

75. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/494                      Temporary Barbecue Site and Car Park for a Period of 3 Years in "Agriculture" and "Road" Zones, Lots 384 RP (Part), 388 (Part), 393 (Part), 394, 395, 396 RP in D.D. 17 and Lots 317, 318, 321, 322, 323 S.A, 323 S.B, 323 S.C, 324, 1016 RP (Part), 1019 RP, 1020 RP, 1022 to 1029, 1040 to 1045, 1049, 1050 in D.D. 29 Ting Kok Village, Ting Kok Road, Tai Po  
(RNTPC Paper No. A/NE-TK/494A)

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#### **Presentation and Question Sessions**

76. Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary barbecue site and car park under application for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 8 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was located largely within the “AGR” zone and had high potential for agricultural rehabilitation;

[Mr K.C. Siu returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory public inspection period, one public comment was received from an individual who objected to the application mainly on the grounds that there were already several barbecue sites creating nuisance to the villagers of Ting Kok and rural environment of the village;
- (e) the District Officer (Tai Po) conveyed that the District Council Member of the constituency was concerned whether the access road to be used by the applicant should be included in the planning application as it could also be used by other members of the public; and
- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 2 years based on the assessments as detailed in paragraph 10 of the Paper. Although DAFC did not support the application, the proposed use was considered not incompatible with the predominantly agricultural and recreational uses in the surrounding areas. The current applied use which was temporary in nature and would unlikely frustrate the planning intention of the site for agricultural use. The Committee had approved four previous applications for the same applied use. There had been no material change in planning circumstances since the previous renewal approval was granted. However, to closely monitor the operation of the barbecue site and to be in line with the previously approved applications, a shorter approval period of two years instead of three years as requested by the applicant was recommended. Regarding the public comment, the Director of Environmental Protection advised that no violation of environmental legislation was noticed during the inspections and approval condition

restricting the operation hours of the applied temporary barbecue use was also recommended.

77. Members had no question on the application.

#### Deliberation Session

78. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 25.4.2016, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 11:00 p.m. and 8:00 a.m. is allowed on the site during the planning approval period;
- (b) the existing vehicular access and parking facilities, and the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (d) in relation to condition (c) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2015;
- (e) the submission of proposal for fire service installations and water supplies for fire fighting within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (f) in relation to condition (e) above, the implementation of fire service

installations and water supplies for fire fighting within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;

(g) the submission of water main diversion proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Water Supplies or the TPB by 25.10.2014;

(h) in relation to condition (g) above, the implementation of water main diversion proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 25.1.2015;

(i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

(j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and

(k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

79. The Committee also agreed to advise the applicant of the following :

“ (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;

(b) a shorter approval period of two years is granted with a view to monitoring the operation of the barbecue site;

- (c) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply for Short Term Waiver (STW) to regularize the unauthorised structures erected or to be erected on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will eventually be given. If such STW application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Director of Environmental Protection that the applicant should follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department;
- (e) to note the comments of the Director of Food and Environmental Hygiene that depending on type of food business to be carried on at the site, the applicant is required to apply to the Food and Environmental Hygiene Department for the relevant food licence(s) such as restaurant, fresh provision shop, food factory, etc. before commencing business;
- (f) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated under the Centralized Processing System of the Buildings Department, the applicant/tenant is required to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In preparing the submission, the applicant should note the following points :
  - (i) the layout plans should be drawn to scale and depicted with

dimensions and nature of occupancy;

- (ii) the location of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
  - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains are in close vicinity may be affected; a strip of land of 1.5m in width should be provided for the diversion of the existing water mains. The grantee/applicant shall bear the cost of any necessary diversion works affected by the proposed development; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that :
- (i) if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the current application;
  - (ii) before any new building works (including any temporary structures) are to be carried out on the leased land of the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
  - (iii) for UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement

policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;

- (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively;
- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and
- (vi) if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority.”

[Mr H.M. Wong left the meeting temporarily at this point.]

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/504            Proposed House (New Territories Exempted House - Small House) and Site Formation in “Green Belt” and “Village Type Development” Zones, Lot No. 253 in D.D.27 and Adjoining Government Land, Shuen Wan Sha Lan Village, Tai Po  
(RNTPC Paper No. A/NE-TK/504)

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Presentation and Question Sessions

80. Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – part of the site was the subject of a previous planning application No. A/NE-TK/300 submitted by the same applicant for Small House development which was approved by the Committee on 5.3.2010 and was under construction. The current application covered an additional area which involved filling/excavation of land related to the approved scheme;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. CTP/UD&L, PlanD commented that although the construction of the previously approved Small House had already commenced and significant additional adverse landscape impact was not likely, approval of this application might encourage similar developments and affecting the vegetation on the upper hillside slope, further degrading the landscape character in the “Green Belt” (“GB”) area;

[Mr H.M. Wong returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, three public comments from a villager of Sha Lan Village, Kadoorie Farm & Bontanic Garden Corporation and Designing Hong Kong Limited were received. They objected to the application mainly on the grounds that the application was not in line with the planning intention of the “GB” zone and would have adverse ecological, landscape and traffic impacts on the surrounding areas as well as setting undesirable precedent for other similar applications

which would further destroy the natural environment. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although CTP/UD&L, PlanD objected to the application from landscape planning point of view, there were no existing trees on the site while the current application was to rectify the site formation works which had already taken place in relation to a previously approved Small House development. Since the site formation works had already taken place and further adverse landscape impact was unlikely, sympathetic consideration might be given to the application for this particular case but such “destroy first, apply later” act should not be encouraged. To rectify the situation and to address CTP/UD&L's concerns, an approval condition on submission and implementation of landscape proposal for the additional area was recommended. Regarding the public comment, the above assessments were relevant.

81. Members had no question on the application.

#### Deliberation Session

82. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- “ (a) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (b) in relation to condition (a) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;

- (c) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (d) in relation to condition (c) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2015; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

83. The Committee also agreed to advise the applicant of the following :

- “ (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) that for provision of water supply to the proposed development, the applicant may need to extend the inside

services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (d) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/505            Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land Adjoining Lot 890 in D.D. 28, 68 Tai Mei Tuk, Tai Po  
(RNTPC Paper No. A/NE-TK/505)

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#### **Presentation and Question Sessions**

84.            Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of a restaurant) under application for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received from Kadoorie Farm & Botanic Garden Corporation who raised concern on the possible sewerage impact and the undesirable precedent set for similar applications and the potential cumulative impacts; No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public comment raising concern on the possible sewerage impact and set an undesirable precedent for similar applications, relevant Government departments including the Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to or no adverse comment on the application.

85. Members had no question on the application.

#### Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 10:00 pm and 12:00 pm, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) setback of the applied use by 1.6m from the existing village road to its south shall be maintained at all times during the planning approval period;
- (c) the provision of a clearance of 1.5m from the edge of the drainage channel at all times during the planning approval period;
- (d) no structure or support for any structure shall be erected within the area of drainage reserve at any time during the planning approval period;
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

87. The Committee also agreed to advise the applicant of the following :

- “ (a) to note the comments of the District Lands Officer/Tai Po, Lands Department that:
- (i) an application for a Licence for Outside Restaurant Seating Accommodation should be submitted to the Food and Environmental Hygiene Department direct and to follow their guidelines and rules if the planning application is approved. His office will not entertain any direct grant Short Term Tenancy application for commercial use;
- (ii) no permanent structure such as canopy should be erected on

Government land; and

- (iii) to clarify whether a narrow strip of Government land located at the western side of the building should also be included into the site since it seems to have been occupied for the proposed use;
  
- (b) to note the comments of the Director of Food and Environmental Hygiene that the applicant is required to obtain valid food licence(s) before commencing to operate the food business of the restaurant and Outside Seating Accommodation;
  
- (c) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans/licence application;
  
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that :
  - (i) with the prior written consent of the Director of Lands (D of Lands) and subject to such terms and conditions as he may impose, the applicant may erect or permit to be erected on the area of Drainage Reserve (DR) a minor structure or structures provided that if and when required by D of Lands, the applicant shall at his own expense, within the period specified by and in all respects to the satisfaction of D of Lands, remove or demolish such structure or structures and reinstate the area of DR. If the applicant fails to carry out such removal demolition or reinstatement works within the period specified or as required in an emergency, CE/MN, DSD may carry out such works as he may consider necessary and the applicant shall pay to the Government on demand the cost of such works;
  
  - (ii) CE/MN, DSD and his duly authorized officers, contractors, his or their workmen (hereinafter collectively referred to as “the authorized

persons”) with or without tools, equipment, machinery or motor vehicles shall have the right of unrestricted ingress, egress and regress at all times to, from and through the site for the purposes of laying, inspecting, repairing and maintaining drains, sewers, channels, drainage facilities and all other services running across, through or under the area of DR (hereinafter referred to as “the Utilities”) which CE/MN, DSD may require or authorize. No object or material of whatsoever nature may obstruct access or cause excessive surcharge to the Utilities shall be placed within the area of DR. Where in the opinion of CE/MN, DSD (whose opinion shall be final and binding on the applicant), there are objects or material within the area of DR which may obstruct access or cause excessive surcharge to the Utilities, CE/MN, DSD shall be entitled by notice in writing to call upon the applicant, at his own expenses and in all respects to the satisfaction of CE/MN, DSD, to demolish or remove such objects or material and to reinstate the area of DR. If the applicant shall neglect or fail to comply with such notice within the period specified therein, or as required in an emergency, CE/MN, DSD may carry out such removal demolition and reinstatement works as he may consider necessary and the applicant shall pay to the Government on demand the cost of such works; and

- (iii) save in respect of the reinstatement of any trench excavated in the exercise of the aforesaid rights and powers, CE/MN, DSD and the authorized persons, shall have no liability in respect of any loss, damage, nuisance or disturbance whatsoever caused to or suffered by the applicant arising out of or incidental to the exercise by the authorized persons of the right of unrestricted ingress, egress and regress and in laying, inspecting, repairing and maintaining the Utilities conferred under advisory clause (d)(ii) above; and

- (e) to note comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that :

- (i) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (ii) before any new building works (including open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (iv) in accordance with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and
- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage."

[The Chairman thanked Mr Wallace W.K. Tang and Mr C.T. Lau, STPs/STN, for their attendance to answer Members' enquiries. They left the meeting at this point.]

[The meeting was adjourned for a break of 5 minutes.]

[Ms Janice W.M. Lai and Ms Christina M. Lee left the meeting at this point.]

**Fanling, Sheung Shui and Yuen Long East District**

[Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FS&YLE), Mr C.K. Tsang and Mr Ernest C.M. Fung Senior Town Planners/Fanling, Sheung Shui & Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

**Agenda Item 24**

[Open Meeting]

Proposed Amendments to the Approved Kam Tin North Outline Zoning Plan No. S/YL-KTN/7

(RNTPC Paper No. 7/14)

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**Presentation and Question Sessions**

88. With the aid of a PowerPoint presentation, Ms Maggie M.Y. Chin, DPO/FSYLE, presented the proposed amendments as detailed in the Paper and covered the following main points :

**Background**

- (a) the proposed amendments to the Kam Tin North Outline Zoning Plan (OZP) were mainly related to the review of the “Undetermined” (“U”) and “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” (“OU(CDWEA)”) zones. In view of the changing site context and circumstances, in particular with the completion of Tsing Long Highway and the West Rail, and that the alignment of the Northern Link (NOL) was proposed to be maintained under the ongoing “Review and Update of the Railway Development Strategy 2000”, it was considered opportune to review the long-term planning intention and land uses for the concerned area. Under the land use review, 6 sites that fell within the “U” and the northern portion of the “OU(CDWEA) zone were

identified suitable for rezoning to residential use. Broad technical assessments had been conducted to confirm the feasibility of the proposed developments from risk, visual and air ventilation, traffic, environmental and infrastructural aspects with due consideration to the provision of open space and GIC facilities in the area;

#### Proposed Amendments to the OZP

##### ***Amendment Item A1 – The Riva***

- (b) the site was the subject of a planning application No. A/YL-KTN/127 for residential development with commercial facilities with a total plot ratio (PR) of about 1, which was approved by the Committee in 2001 while the latest application for amendments to the approved scheme No. A/YL-KTN/319-2 was approved in 2011. To reflect the completed residential development, namely The Riva, it was proposed to rezone the site from “U” to “Residential (Group B)” (“R(B)”) subject to the same development restrictions of the approved scheme, i.e. a total domestic gross floor area (GFA) of 79,497m<sup>2</sup> and non-domestic GFA of 2,215m<sup>2</sup> and a maximum building height (BH) of 23 storeys, 12 storeys and 3 storeys (excluding basement);

##### ***Amendment Item A2 – Ha Ko Po site***

- (c) it was proposed to rezone the site from “U” and “Commercial” (“C”) to “R(B)1” zone, subject to a maximum PR of 1.2 and a maximum BH of 13 storeys for residential development. The site was previously proposed for school development. Since a school site had been reserved in the “Comprehensive Development Area(1)” (“CDA(1)”) zone at Cheung Chun San Tsuen in the longer term, the Education Bureau (EDB) advised that the site was not required for school development;

##### ***Amendment Items A3, A9 and A10 – Riverside Promenade***

- (d) it was proposed to rezone a strip of land at the eastern fringe of the “U” zone along Kam Tin River from “U” to “Other Specified Uses” annotated “Amenity Area” (“OU(Amenity Area)”) zone (Site A3); and to designate a non-building area (NBA) under the “C” zone at the eastern boundary near

Kam Tin River (Site A10) for the provision of a proposed riverside promenade. Opportunity had also been taken to rezone two sites adjoining the “C” zone to the north of the West Rail from “U” zone to “C” zone to rationalize the boundaries with the adjoining zones and the relevant lots (Site A9);

***Amendment Item A4 – Undesignated G/IC site, Vacant Government Land at the southeastern fringe of the “U” zone***

- (e) it was proposed to rezone the Government land from “U” to “Government, Institution or Community” (“G/IC”) zone, subject to a maximum BH of 3 storeys. It was recommended to reserve the site to provide supporting G/IC facility for the proposed riverside promenade or other G/IC facilities to serve the local community;

***Amendment Item A5 – Ha Ko Po Tsuen Site***

- (f) it was proposed to rezone the site from “U” to “Residential (Group E)” (“R(E)”), subject to a maximum PR of 1.2 and maximum BH of 13 storeys. The site was subject to traffic noise and air pollution impacts. It also fell within the Consultation Zone (CZ) of the Au Tau Water Treatment Works (ATWTW). The future developer would be required to submit a planning application together with environmental, hazard and quantitative air ventilation assessments and other relevant technical assessments for consideration of the Town Planning Board (TPB);

***Amendment Item A6 – Slopes along Tsing Long Highway***

- (g) it was proposed to rezone the areas adjoining Tsing Long Highway and its slip road from “U” to “OU(Amenity Area)” zone for amenity and landscape planting purpose;

***Amendment Item A7 – Hammerhead Site at the West***

- (h) it was proposed to rezone an area to the west of Tsing Long Highway from “U” to “Residential (Group D)” (“R(D)”) zone. Alteration or in-situ redevelopment of existing temporary structure/building would be subject to a maximum building area of 37.2m<sup>2</sup> and a maximum BH of 2 storeys

(6m). For new development or redevelopment for residential use, it would be subject to a maximum PR of 0.4 and a maximum BH of 3 storeys (9m). The site was subject to development constraints including the possible noise and air pollution impact of the major roads on three sides; the need for separation distances from the adjacent petrol filling station to its east; and the CZ of the ATWTW. The future developer would need to submit planning application together with environmental and hazard assessments and other relevant technical assessments for consideration of the TPB;

***Amendment Item A8 – Existing Petrol Filling Station at Kam Tin Road***

- (i) it was proposed to rezone the site from “U” to “Other Specified Uses (Petrol Filling Station)” (“OU(PFS)”), subject to a maximum BH of 1 storey to reflect the as-built development and the lease restrictions;

***Amendment Item B1 – Cheung Chun San Tsuen Site***

- (j) the site was sandwiched between Phase I and Phase II of the adjoining “CDA” development approved under Application No. A/YL-KTN/118-2. It was proposed to rezone Site B1 from “U” to “CDA(1)”, subject to a maximum PR of 1.2 and a maximum BH of 16 storeys. According to the advice of EDB, land should be reserved within the “CDA(1)” zone for a primary school development. Other appropriate G/IC including social welfare facilities would also be considered at the planning application stage;

***Amendment Item B2 – Triangular Site at the South***

- (k) it was proposed to rezone an area to the east of the planned NOL from “U” to “Agriculture” (“AGR”) zone as an extension of the adjoining “AGR” zone to the east, as the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the site had high potential for agricultural rehabilitation;

***Amendment Item B3 – East of Fishery Research Station (FRS)***

- (l) it was proposed to rezone an area adjoining the Agriculture, Fisheries and

Conservation Department (AFCD) FRS from “U” to “G/IC” zone, subject to a maximum BH of 1 storey for future expansion of the FRS or other appropriate G/IC facilities;

***Amendment Item B4 – Ponds at the South***

- (m) it was proposed to rezone the site from “U” to “Conservation Area” (“CA”) to form a continuous conservation area stretching from the proposed ecological enhancement area in the north to the reprovisioned wetland in “CA(1)” zone in the south;

***Amendment Item C1 – Northern portion of the “OU(CDWEA)” zone***

- (n) the site was near the village clusters of Kam Tin Shi and Kam Hing Wai under the “Village Type Development” (“V”) zone to its north, east and south. It was proposed to rezone a site to the north of Kam Tin Bypass from “OU(CDWEA)” to “R(E)1” zone subject to a maximum PR of 0.8 and a maximum BH of 7 storeys for residential development. The future developer was required to submit planning application together with environmental, ecological and hazard assessments and other relevant technical assessments for consideration of the TPB;

***Amendment Item C2 – Southern portion***

- (o) DAFC considered that a piece of natural marsh land to the south of Kam Tin Bypass should be preserved as far as possible as this type of wetland habitat had been declining in the Kam Tin area. It was therefore proposed to rezone the site from “OU(CDWEA)” to “CA” for conservation purpose;

**Other Proposed Amendments**

***Amendment Items D1 to D6***

- (p) it was proposed to impose BH restrictions on the following sites zoned “G/IC” to reflect the as-built situation or planned G/IC developments :

Site D1	Fung Kat Heung Portal (allocated to the Water Supplies Department)	1 storey
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Site D2	AFCD FRS	1 storey
Site D3	Kam Tin Low Flow Pumping Station	2 storeys
Site D4	The Salvation Army Kam Tin Integrated Service Centre	5 storeys
Site D5	Kam Tin Clinic	2 storeys
Site D6	Proposed Kam Tin Pat Heung Sports Centre located to the immediate east of the existing clinic	3 storeys

***Amendment Item E***

- (q) it was proposed to impose a BH restriction of 1 storey on the “OU(PFS)” zone to reflect the as-built situation and the restriction under lease; and

Public Consultation

- (r) subject to the Committee’s agreement, the Yuen Long District Council and Kam Tin Rural Committee would be consulted during the exhibition period of the draft OZP.

89. A Member asked if there was any cycle track along Kam Tin River. In response, Ms Maggie M.Y. Chin explained that there were existing footpaths on both sides of Kam Tin River but no cycle track. Since the OZP was a small-scale plan and the land use zoning was broad-brush in nature, detailed uses such as cycle track would not be shown on the OZP.

90. The same Member welcomed the rezoning proposal of some sites to “CA”, despite that their locations appeared to be fragmented, and enquired if the flight path of the migrating birds had been taken into account in drawing up the rezoning proposal. Ms Maggie M.Y. Chin said that the site to the south of Site B4 was a reconstructed wetland under the ‘West Rail Wetland Compensation’ under the “CA(1)” zoning while the “CDA” zone to the north was a proposed ecological enhancement area with a preserved meander under the approved scheme of Application No. A/YL-KTN/118-2. The proposed rezoning of Site B4 from “U” to “CA” was to provide a continuous conservation area stretching from the proposed ecological enhancement area in the north to the reprovisioned wetland in “CA(1)” zone in the south. AFCD had been consulted on the rezoning proposals and relevant information had been taken into account.

91. After deliberation, the Committee decided to :
- (a) agree that the proposed amendments to the approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/7 as set out in paragraphs 8 and 9 of the Paper;
  - (b) agree that the draft Kam Tin North OZP No. S/YL-KTN/7A at Attachment II of the Paper (to be renumbered as S/YL-KTN/8 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
  - (c) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Kam Tin North OZP No. S/YL-KTN/7A (to be renumbered as S/YL-KTN/8 upon exhibition) as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the OZP; and
  - (d) agree that the revised ES at Attachment IV of the Paper was suitable for exhibition together with the draft OZP.

[Mr H.M. Wong left the meeting at this point.]

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/438      Proposed Temporary Shop and Services (Grocery and Metalware Retail Shop) for a Period of 3 Years in “Village Type Development” Zone, Lot 283 S.A RP (Part) in D.D. 109, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/438)

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**Presentation and Question Sessions**

92. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (grocery and metalware retail shop) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period and the publication of the further information, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. The site was the subject of previous application No. A/YL-KTN/409 approved with conditions by the Committee in 2013, which was revoked due to non-compliance with conditions on drainage and fire safety aspects. However, the applicant had complied with the approval condition on submission of landscaping proposal under the previous application and had also submitted landscape, drainage and fire service installations proposals under the current application, though they were not yet accepted by the relevant departments. Shorter compliance periods were therefore proposed to monitor the progress of compliance should the Committee decide to approve the current application.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 7:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Saturdays between 5:00 p.m. and 7:00 p.m., Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 3.3 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicle into or out from the site at any time during the planning approval period;
- (f) the submission of landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2014;
- (g) in relation to (f) above, the implementation of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;

- (h) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2014;
- (i) in relation to (h) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2014;
- (k) in relation to (j) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

95. The Committee also agreed to advise the applicant of the following :

- “ (a) shorter compliance periods are imposed to monitor the situation on the site and the progress on compliance with approval conditions. Sympathetic consideration may not be given by the TPB to any further application if the planning permission is revoked again due to non-compliance of approval conditions;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to the note District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the site comprises Old Scheduled Agricultural Lot held under the Block Government Lease with restriction that no structure is allowed to be erected without prior approval of the Government. No approval has been given for erection of the structure within the site. The site is accessible from Kam Tin Road via Government land and private land. LandsD does not provide maintenance works on this access nor guarantee any right-of-way. The landowner(s) concerned will need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the Commissioner for Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status

of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department is not/shall not be responsible for the maintenance of the existing vehicular access connecting the site and Kam Tin Road. The proposed access arrangement of the site from Kam Tin Road should be approved by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby roads and drains;
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized structures on the site should be removed. All building works are subject to compliance with the Buildings Ordinance (BO). An Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future;
- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire

safety requirements will be formulated upon receipt of formal submission of general building plans; and

- (i) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead lines) within or in the vicinity of the site, the applicant shall carry out the following measures :
  - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
  - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

**Agenda Item 26**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/687            Proposed Temporary Open Storage of Horticultural Plants with Greenhouse for a Period of 3 Years in “Agriculture” Zone, Lots 1689 S.A (Part), 1689 S.B, 1689 S.B ss.1 and 1689 S.C in D.D. 111, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/687)

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Presentation and Question Sessions

96.            Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed temporary open storage of horticultural plants with greenhouse for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the applicant would make use of an access road connecting Kam Tin Road to the site, where residential dwellings were found within 50m of the access road, and noise nuisance was expected;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited who objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, there was no environmental assessment and the approval of the application would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Yuen Long);

and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
  - (i) the proposed development was not in line with the planning intention of the “AGR” zone and there were some active agricultural land/orchard in this part of the “AGR” zone. There was no strong justification to justify for a departure from the planning intention, even on a temporary basis. No information was provided by the applicant to demonstrate why suitable site within the “Open Storage” zones to the north and southeast of the site could not be made available for the development;
  - (ii) the proposed development was not incompatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land. The operation and the use of light/medium goods vehicles of the proposed development would cause nuisance to the residential dwellings/structures nearby and along the access passing through the “Village Type Development” zone to the site. In this regard, DEP did not support the application;
  - (iii) the site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was not in line with the TPB PG-No. 13E in that there was no previous approval granted at the site and there were adverse departmental comment and local objection. Besides, the previous applications (No. A/YL-PH/645 and 678) for similar open storage use were rejected by the Committee in 2012 and 2013, there was no material change on the planning circumstances that warranted a departure from the Committee's previous decision; and

- (iv) the site was subject to enforcement action with the unauthorized development discontinued in 2013. A Reinstatement Notice (RN) had been issued by the Planning Authority requiring the notice recipient to grass the land by April 2014. Upon expiry of the RN, site inspection revealed that the requirement in the RN had not been complied with.

97. Members had no question on the application.

#### Deliberation Session

98. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” zone which is to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that the proposed development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings and agricultural land. There is also no previous approval granted at the site and there are adverse departmental comment and public objection against the application;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surrounding areas; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area. ”

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/365            Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Green Belt” Zone, Lot 1641 S.C (Part) in D.D.100, Ying Pun, Kwu Tung South, Sheung Shui, New Territories (RNTPC Paper No. A/NE-KTS/365)

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#### **Presentation and Question Sessions**

99.            Ms Maggie M.Y. Chin, DPO/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed temporary open storage of construction materials for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department objected to the application from the landscape planning point of view and the proposed use was considered not

compatible with the landscape character of the green belt. CTP/UD&L, PlanD considered that approval of the application might set an undesirable precedent of encouraging incompatible developments within the “Green Belt” (“GB”) zone which would further deteriorate the landscape quality of the green belt;

- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council (NDC) Member had no comment on the application but indicated that comments of nearby villagers on the application should be sought. Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development should not encroach onto the “GB” zone which was not in line with the planning intention of the zoning; there was sufficient supply of space for storage use to meet the current and future demand; the proposed development would lead to environmental and land degradation; there was no traffic or environment assessment in the application; and the Board should consider the potential cumulative impacts of approving similar applications;
- (e) the District Officer (North) conveyed that the Chairman of the Sheung Shui District Rural Committee had no comment on the application, whereas the incumbent NDC Member and the Resident Representative of Ying Pun objected to the application mainly on the grounds that the local track was already overloaded and emergency vehicles would not be able to gain entry into the narrow local track in case of fire; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
  - (i) the temporary open storage use was not in line with the planning intention of “GB” zone and did not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB

PG-No. 10). No strong planning justification had been given in the submission for open storage use in the “GB” zone, even on a temporary basis;

- (ii) CTP/UD&L, PlanD also objected to the application on the grounds that the proposed development was incompatible with the landscape character of the green belt and considered that approval of the application might set an undesirable precedent which would further deteriorate the landscape quality of the green belt. Besides, the applicant had not submitted any landscape proposal to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and
- (iii) the site fell within Category 4 areas under Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application did not meet the TPB PG-No. 13E in that there was no exceptional circumstances to justify the development; no previous planning approval had been granted for the site; no technical assessment/proposal had been submitted to demonstrate that the proposed development would not generate adverse environmental and landscape impacts on the surrounding area; and there were adverse departmental comments and local objections.

100. Members had no question on the application.

#### Deliberation Session

101. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

“ (a) the proposed development is not in line with the planning intention of the

“Green Belt” (“GB”) zone in the Kwu Tung South area which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (b) the proposed development does not comply with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that no strong planning grounds have been submitted to justify the application and the existing natural landscape in the area has been affected. The applicant has also failed to demonstrate that the proposed development would not generate adverse landscape impact on the surrounding area;
- (c) the proposed development does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there is no exceptional circumstances to justify the development as there is no previous planning approval granted to the site; no technical assessment/proposal has been submitted to demonstrate that the proposed development would not generate adverse environmental and landscape impacts on the surrounding area; and there are adverse departmental comments and local objections against the application;
- (d) the proposed development is incompatible with the surrounding areas which are predominantly rural in nature and characterized by domestic structures, active or fallow agricultural land; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse

environmental and landscape impacts on the surrounding area.”

## **Agenda Item 28**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/298      Temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen for a Period of 3 Years in “Open Storage” Zone, Lot 647 RP (Part) in D.D. 99, Lots 2971 RP (Part), 2972 (Part), 2975 (Part), 2976, 2977, 2978 RP, 2979, 2980, 2981 RP, 2982 RP, 2983 RP (Part), 2986 RP, 2987 RP (Part) and 2988 RP in D.D. 102, and Adjoining Government Land, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/298)

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### **Presentation and Question Sessions**

102.      Mr Ernest C.M. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a)      background to the application;
- (b)      the temporary Lorry and Container Tractor/Trailer Park with Ancillary Workshop and Staff Canteen under application for a period of 3 years;
- (c)      departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling being about 12m to its north) and environmental nuisance was expected;
- (d)      during the first three weeks of the statutory public inspection period and the publication of the further information, no public comment was received and no local objection/view was received by the District Officer

(Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the site over the past three years, and approval conditions restricting the operation hours were recommended to mitigate any potential environmental impacts. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental impact.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation between 7:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the existing trees on the site should be preserved and maintained at all times during the planning approval period;

- (d) no material is allowed to be stored/dumped and no vehicle is allowed to be parked within 1m of any tree on the site at any time during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2014;
- (f) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (g) in relation to (f) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (j) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

105. The Committee also agreed to advise the applicant of the following :

- “ (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no approval has been given for the specified structure as shelters for storage, vehicle repairing and parking spaces, containers for storage, tyre show room, staff canteen, guard house, rain shelter and site offices. No permission has been given for the proposed use and/or occupation of the Government Land (GL) included in the site. The occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Kwu Tung Road via a short stretch of GL which falls within resumption limit of PWP Item No. 4118CD – Drainage Improvement in Northern NT Package B – Local Drainage Systems in San Tin South, Kwu Tung, Ma Tso Lung. His office provides no maintenance works for this GL nor guarantees right of ways. The lot owner will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such applications will be considered by LandsD acting in the capacity as landlord as its sole discretion and there is no guarantee that such applications will be approved. If such application is approved, it will be subject to such terms and conditions including, among others, the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Chief Engineer/Railway Development (2-2), Railway Development Office, Highways Department that the site is located directly above the proposed “Northern Link” alignment. The

applicant will have to vacate the site at the time of railway development when necessary;

- (e) to note the comments of the Director of Environmental Protection (DEP) that the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed to minimize potential environmental impacts on the surrounding areas. Regarding the sewage disposal, the applicant should ensure that all wastewater from the site shall comply with the requirement stipulated in the Water Pollution Control Ordinance and the design of the septic tanks shall follow the Professional Persons Environmental Consultative Committee Practice Notes Practice Notes 5/93;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupation of the site. The applicant also needs to meet the full satisfaction of DEP, the planning authority of sewerage infrastructure;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the existing water main will be affected. The developer shall bear the cost of any necessary diversion works

affected by the development. In case it is not feasible to divert the affected water mains, waterworks reserve with 1.5m measuring from the centreline of the affected water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;

- (h) to note the comments of the Director of Fire Services that the relevant layout plans incorporated with the proposed fire service installations (FSIs) should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, justifications should be provided to his department for consideration. The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including site office, rain shelter, open sheds, guard house and containers, etc.) are to be carried out on the site, the prior approval and consent of the Building Authority (BA)

should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. If the use under application is subject to the licence, any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and

- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road.”

[The Chairman thanked Ms Maggie M.Y. Chin, DPO/FS&YLE, Mr C.K. Tsang and Mr Ernest C.M. Fung STPs/FSYLE, for their attendance to answer Members' enquiries. They left the meeting at this point.]

**Tuen Mun and Yuen Long District**

[Mr K.C. Kan, Mr Vincent T.K. Lai and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW) were invited to the meeting at this point.]

**Agenda Item 29**

**Section 16 Application**

[Open Meeting]

A/TM-LTY Y/273 Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun, New Territories (RNTPC Paper No. A/TM-LTY Y/273A)

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106. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP) and AECOM Asia Co. Ltd. (AECOM) and Environ Hong Kong Ltd. are the consultants of the applicant. The following Members had declared interests in this item :

- |  |   |   |
|--|---|---|
| Professor S.C. Wong<br>(the Vice-chairman) | – | having current business dealings with AECOM. He was also the Chair Professor and Head of the Department of Civil Engineering, and Director of the Institute of Transport Studies of the University of Hong Kong while AECOM had sponsored some activities of the Department and the Institute |
| Mr Ivan C.S. Fu                            | – | having current business dealings with SHKP, AECOM and Environ Hong Kong Ltd.  |
| Ms Janice W.M. Lai                         | – | having current business dealings with Sun Hung Kai Properties Ltd. and AECOM  |

107. Members noted that Mr Ivan C.S. Fu had tendered apologies for being unable to

attend the meeting and Professor S.C. Wong and Ms Janice W.M. Lai had left the meeting already.

108. The Secretary reported that on 4.4.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments from concerned Government departments.

109. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting]

A/TM-LTY Y/280 Proposed Public Utility Installation (Sewage Pumping Station) and Excavation and Filling of Land in "Green Belt" Zone, Government Land at Fu Hang Road and to the southwest of southern entrance of pedestrian subway of Yuen Long Highway, Tuen Mun, New Territories (Government Land Licence Y9909 (Part) in D.D. 130 and Adjoining Government Land)  
(RNTPC Paper No. A/TM-LTY Y/280)

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110. The Secretary reported that the application was submitted by the Drainage Services Department (DSD) and AECOM Asia Co. Ltd. (AECOM) was the consultant of the applicant. The following Members had declared interests in this item :

- Professor S.C. Wong – having current business dealings with AECOM.  
(the Vice-chairman) He was also the Chair Professor and Head of the Department of Civil Engineering, and Director of the Institute of Transport Studies of the University of Hong Kong while AECOM had sponsored some activities of the Department and the Institute
- Mr Ivan C.S. Fu – having current business dealings with AECOM
- Ms Janice W.M. Lai – having current business dealings with DSD and AECOM

111. Members noted that Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Professor S.C. Wong and Ms Janice W.M. Lai had left the meeting already.

112. The Secretary reported that on 10.4.2014, the applicant had requested for deferment of the consideration of the application for one month in order to allow time to address comments from relevant Government departments. This was the first time that the applicant requested for deferment.

113. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/436            Proposed Temporary Open Storage of New Vehicles (Privates Cars and Light Goods Vehicles only) for a Period of 3 Years in “Recreation” Zone, Lot 226 (Part) in D.D. 126 and Adjoining Government Land, Fung Ka Wai, Ping Shan, New Territories  
(RNTPC Paper No. A/YL-PS/436)

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#### **Presentation and Question Sessions**

114.            Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)            background to the application;
- (b)            the proposed temporary open storage of new vehicles (privates cars and light goods vehicles only) for a period of 3 years;
- (c)            departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d)            during the first three weeks of the statutory public inspection period, two public comments were received from an individual and Designing Hong Kong Limited objecting to the application mainly on the grounds that the proposed development would have traffic and environmental impacts; the development did not comply with the planning intention and would affect the land supply for recreational facility; and it would be difficult to change the land use after approval. No local objection/view was received by the District Officer (Yuen Long); and
- (e)            the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public comments against the application, relevant government departments including the Director of Agriculture, Fisheries and Conservation, Director of Environmental Protection, Commissioner for Transport and Chief Town Planner/Urban Design and Landscape, Planning Department had no adverse comment on the application and relevant approval conditions were recommended to minimise any possible adverse impact. Besides, as there was no development proposal at the site, the temporary permission would not jeopardize the long-term planning intention.

115. Members had no question on the application.

#### Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle washing, vehicle repair, dismantling, paint spraying or workshop activity is allowed on the site at any time during the planning approval period;
- (d) only private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on the site at any time during the planning approval period;

- (e) no vehicle queuing back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the provision of boundary fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (g) in relation to (f) above, the maintenance of boundary fencing at all times during the planning approval period;
- (h) the paving of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2015;
- (k) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (l) in relation to (k) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;
- (m) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.6.2014;

- (n) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (o) in relation to (n) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (f), (h), (i), (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

117. The Committee also agreed to advise the applicant of the following :

- “ (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private land under application comprises Old Scheduled Agricultural Lots held under Block Government Lease under which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No approval has been given to the specified structures as ‘site office’ specified in the application

form. No permission has been given for the proposed use and/or occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Tin Wah Road via other private lots and a local track on GL. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. No application for Short Term Waiver and Short Term Tenancy in respect of the site was received. The lot owner concerned will need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances on the surrounding area;
- (d) to note the Director of Agriculture, Fisheries and Conservation's comments that the boundary fencing should be properly maintained to ensure that the proposed development will not encroach on or affect the "Conservation Area" ("CA") zone, stream courses and vegetated areas in close proximity of the site;
- (e) to note the Commissioner for Transport's comments that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. The vehicular track leading to the site falls outside the Transport Department's purview. Its land status should be checked with the lands

authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Tin Wah Road;
  
- (g) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that before any new building works (including site office as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage;
  
- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that as the site is adjacent to the "CA" zone, additional landscape buffer such as tree planting in double rows along the eastern boundary should be provided;

- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Relevant layout plans incorporated with the proposed FSIs should be submitted to Fire Services Department (FSD) for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The Good Practice Guidelines for open storage at Appendix V of the Paper should be adhered to. A valid fire certificate (FS 251) should be submitted to FSD for approval for complying with approval condition (m). Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by FSD, the applicant is required to provide justifications to FSD for consideration. If the proposed structure(s) is/are required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant may need to extend the applicant's inside services to nearest suitable government water mains for connection. The applicant shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (k) to note the Head of Geotechnical Engineering Office, Civil Engineering & Development Department's comments that the applicant is reminded to submit the works to BD for approval as required under the provision of the BO; and
- (l) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or

overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractor(s) when carrying out works in the vicinity of the electricity supply lines."

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/441                      Temporary Open Storage of Construction Machinery and Materials and Ancillary Site Office for a Period of 3 Years in "Recreation" Zone, Lots 58 RP (Part), 62 S.A, 62 S.C. RP (Part), 63 (Part), 64 (Part), 65 (Part) and 71 (Part) in D.D. 126, Ping Shan, New Territories  
(RNTPC Paper No. A/YL-PS/441)

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#### **Presentation and Question Sessions**

118.            Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary open storage of construction machinery and materials and ancillary site office under application for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning perspective considering the possible impact on the existing trees; the inaccuracy of the proposed landscape and tree preservation plan; and that the development was not compatible with the planning intention of the “Recreation” (“REC”) zone and would set a precedent which might encourage open storage sites in the “REC” zone. The Chief Engineer/Mainland North, Drainage Services Department also had reservation on the drainage proposal and had doubt on the feasibility of discharging storm water to a private pond;
  
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received. A member of the Yuen Long District Council stated that he, together with the Kingwood Court Estate Owners’ Committee, Maywood Court Estate Owners’ Committee and Lynwood Court Estate Owners’ Committee of Kingwood Villa, objected to the application mainly on the grounds of damage to the environment and natural ecology, noise nuisance to nearby residents, and the subject open storage yard had been in operation prior to approval was granted. Designing Hong Kong Limited objected to the application mainly on the grounds that the development was not in line with the planning intention and no landscape and traffic impact assessments were submitted. No local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below:
  - (i) the application was not in line with the planning intention of the “REC” zone. No strong planning justification had been given in the submission for a departure from the planning intention, even on a

temporary basis;

- (ii) the site fell within Category 3 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application did not comply with the TPB PG-No. 13E in that there was no previous planning permission for same/similar development at the site. The applicant failed to demonstrate that the development would not cause adverse drainage and landscape impacts on the surrounding area. Besides, there were adverse departmental comments and local objections; and
- (iii) the development was incompatible with the surrounding areas which were predominantly covered by vacant and agricultural land. The approval of the application would set an undesirable precedent for similar uses in the “REC” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

119. Members had no question on the application.

#### Deliberation Session

120. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. The reasons were :

- “ (a) the development is not in line with the planning intention of the “Recreation” zone which is primarily for recreational developments for the use of the general public. No strong planning justification has been provided in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the development does not comply with the Town Planning Board

Guidelines TPB PG-No. 13E in that no previous planning approval has been granted for the use on the site, the applicant fails to demonstrate that the development would not have adverse drainage and landscape impacts on the surrounding area, and there are adverse departmental comments on and public objections to the application. The development is also not compatible with the surrounding area which is rural in character.”

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/442            Proposed Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) with Ancillary Car Beauty Service for a Period of 3 Years in “Village Type Development” Zone, Lots 1804 (Part), 1805 (Part), 1808 RP, 1809 RP (Part), 1810 RP (Part) and 1817 (Part) in D.D. 124, San Lee Uk Tsuen, Ping Shan, New Territories  
(RNTPC Paper No. A/YL-PS/442)

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#### **Presentation and Question Sessions**

121.            Mr K.C. Kan, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed temporary public vehicle park for private cars and light goods vehicles (not exceeding 5.5 tonnes) with ancillary car beauty service for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention and would have adverse environmental and traffic impacts. Illegal parking of container vehicles was also found prior to approval sought. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comments against the application, relevant government departments including the Director of Environmental Protection, Commissioner for Transport, Chief Highway Engineer/New Territories West, Highways Department and Chief Engineer/Mainland North, Drainage Services Department had no adverse comment on the application and relevant approval conditions were recommended to minimise any potential impact.

122. Members had no question on the application.

#### Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle repair, dismantling, paint spraying or workshop activity is allowed on the site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance

is allowed to be parked/stored on site at any time during the planning approval period;

- (d) only private cars and light goods vehicles not exceeding 5.5 tonnes as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (e) a notice should be posted at all times during the planning approval period at a prominent location of the site to indicate that only private cars and light goods vehicles not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, are allowed to be parked on the site;
- (f) no vehicle queuing back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) the provision of boundary fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2014;
- (h) in relation to (g) above, the maintenance of boundary fencing at all times during the planning approval period;
- (i) the implementation of the traffic improvement measures, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.7.2014;
- (j) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2014;
- (k) in relation to (j) above, the maintenance of drainage facilities on the site at all times during the planning approval period;

- (l) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (m) in relation to (l) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;
- (n) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (h) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (g), (i), (j), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

124. The Committee also agreed to advise the applicant of the following :

- “ (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) should the applicant fail to comply with any approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application;

- (c) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the private land within the site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No approval has been given to the three structures as 'site office, guardroom and storeroom for ancillary car beauty service' specified in the application. The site is accessible to Tin Ha Road via a local track on Government land and part of Government Land Allocation (GLA-TYL 1835) where the allocattee is the Civil Engineering and Development Department. His office does not provide maintenance works on this track nor guarantee right-of-way. No application for Short Term Waiver in respect of the proposed development was received. The lot owner concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
  
- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances on the surrounding area;
  
- (e) to note the Director of Environmental Protection's comments that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
  
- (f) to note the Commissioner for Transport's comments that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. The vehicular track leading to the site falls outside the Transport

Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Tin Ha Road;
- (h) to note the Chief Engineer/Mainland South, Drainage Services Department's comments that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from relevant owners for any works to be carried out outside the private lot within the site boundary before commencement of the drainage works;
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site

does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage; and

- (j) to note the Director of Fire Services' (D of FS) comments that the installation/maintenance/modification/repair work of fire service installations should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS. If the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/895            Proposed Temporary Use for Ten Years' "Tai Ping Ching Chiu and Thanksgiving Activity" for a Period of 6 Months in "Village Type Development" Zone, Government Land in D.D. 125 (Including Short Term Tenancy No. YL2276 and Government Land Allocation No. YL557), Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/895)

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#### **Presentation and Question Sessions**

125.            The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was the shareholder of a company which owned two pieces of land in Ha Tsuen. Members noted that Ms Janice W.M. Lai had left the meeting already.

126.            Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary use for “tai ping ching chiu and thanksgiving activity” for a period of 6 months;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper.

127. Members had no question on the application.

#### Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 6 months from 1.8.2014 to 31.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB). Members then went through the approval conditions as recommended in paragraph 11.2 of the Paper and considered that approval condition (c) on the reinstatement of the unoccupied land of the site to an amenity area upon expiry of the planning permission should not be imposed as the site fell within a development zone. The permission was subject to the following conditions :

- “ (a) provision of fire service installations by 12.10.2014 to the satisfaction of the Director of Fire Services or of the TPB; and

- (b) if the planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

129. The Committee also agreed to advise the applicant of the following :

- “ (a) the site should be kept in a clean and tidy condition at all times;
- (b) to note the comments of the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD) that the land under the site comprises Government land (GL). No permission has been given for the proposed use and/or occupation of the GL included into the site which covers about 11,371m<sup>2</sup> total gross floor area subject to verification. The Short Term Tenancy (STT) No. YL2276 was granted to Ha Tsuen Rural Committee for the proposed Ha Tsuen Rural Committee Office (HTRCO). It is noted that there is no specified use was mentioned for the HTRCO in the subject planning application. The applicant should be reminded that the use of the HTRCO should be tally with the terms and conditions of STT No. YL2276. Otherwise, the applicant concerned will need to apply to his office to permit any change of use. The Government Land Allocation No. YL557 was allocated to the Director of Leisure and Cultural Services for the purpose of football pitch. No approval has been given for the specific scaffolding structure proposed within the allocated site. Please direct liaise with the Leisure and Cultural Services Department for comments. The site is accessible to Ha Mei Road via GL. His office provides no maintenance work to the GL involved and does not guarantee right-of-way. An application for STT to cover the proposed area was received by his office. Such STT application will be considered by LandsD acting in the capacity as landlord at its sole discretion and it is emphasized that there is no guarantee such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may

be imposed by LandsD;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded that the temporary use should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the Ha Mei Road;
- (e) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. Detailed fire safety requirements will be formulated upon receipt of referral from relevant licensing authority;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the proposed use under application is subject to the issue of license, any temporary structure on the site intended to be used for such purposes are required to comply with the relevant requirements as may be imposed by the licensing authority;
- (g) to note the comments of the Commissioner of Police that the site is located

next to Lo Uk Tsuen and Sik Kong Tsuen, adequate arrangements to minimize any foreseeable traffic impact and noise to the neighbourhood generated by the activities should be made;

- (h) to note the comment of the Director of Leisure and Cultural Services that the applicant should write to the relevant authority for temporary use of the site from the land administration perspective; and
- (i) to note the comment of the Director of Food and Environmental Hygiene that the public toilet is opened for public use (not to be restricted for use by participants of the function) during the function.”

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/260            Temporary Open Storage of Marbles, Construction Materials, Aluminium Cans, Small-scale Machinery with Ancillary Workshop and 2 Loading and Unloading Spaces for Goods Vehicles for a Period of 3 Years in “Recreation” Zone, Lot 2227 (Part) in D.D.129, Lau Fau Shan, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-LFS/260)

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#### **Presentation and Question Sessions**

130.            The replacement pages (pages 11 and 13) to the Paper to rectify the typing errors were sent to Members before the meeting. Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the open storage of marbles, construction materials, aluminium cans, small-scale machinery with ancillary workshop and 2 loading and

unloading spaces for goods vehicles for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and the access road, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the site over the past three years, and approval conditions restricting the operation hours and types/operation of vehicles were recommended to mitigate possible nuisance. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” to minimise any potential environmental impact.

131. Members had no question on the application.

#### Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 8:30 p.m. and 7:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle exceeding 24 tonnes, as proposed by the applicant, and as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (d) no vehicle over 10m long is allowed to enter, park or operate at the site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (g) the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2015;
- (h) the submission of revised landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (i) in relation to (h) above, the implementation of the revised landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;

- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.6.2014;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

133. The Committee also agreed to advise the applicant of the following :

- “ (a) prior planning permission should have been obtained before commencing the development on site;

- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land under application comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. Short Term Waiver (STW) No. 2576 was granted on Lot No. 2227 in D.D. 129 for “Open Storage of Marble with Ancillary Workshop” purpose permitting a building over area not exceeding 313.06m<sup>2</sup> and a height not exceeding 4.6m. The proposed user, area and height of the captioned application are different, bigger and higher respectively than those of the approved STW conditions. The site is accessible to Deep Bay Road via a short stretch of private land and a short stretch of Government land (GL). DLO/YL, LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. No application for STW in respect of the application was received. Should the application be approved, the lot owners will still need to apply to DLO/YL, LandsD to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (e) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize any potential environmental nuisance;

- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The land status of the road/path/track leading to the site shall be checked with the lands authority and that the management and maintenance responsibilities of this road/path/track shall be clarified and consult the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant has to review the tree preservation proposal for the whole site. Sufficient compensatory planting should be provided within the site;
- (h) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed FSI to his department for approval. In addition, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans; and the good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. To address the approval condition regarding the provision of fire extinguisher(s), a valid fire certificate (FS 251) should be submitted to his department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site; if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under

Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application; before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO; for UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO; the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage.”

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/324                      Temporary Eating Place with Ancillary Storage for a Period of 3 Years in “Open Storage” and “Village Type Development” Zones, Lots 1259 S.C (Part), 1259 RP (Part) in D.D. 117 and Adjoining Government Land, Tai Tong Shan Road, Tai Tong, Yuen Long, New Territories (RNTPC Paper No. A/YL-TT/324)

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#### **Presentation and Question Sessions**

134.            Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place with ancillary storage under application for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period and the publication of the further information, one public comment was received from a member of public raising objection to the application mainly on the grounds that the applicant failed to comply with the associated approval conditions and the eating place nearby operated by the same applicant was revoked last year; and that the operation of a sub-standard eating place would be a potential hazard to local residents. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. Regarding the concerns raised in the public comment, relevant Government departments, including the Director of Food and Environmental Hygiene, Commissioner for Transport and Director of Fire Services, had no objection to or no adverse comment on the application. It should be noted that only a portion of the site was subject to previous approvals which should be considered on its individual merits and shorter compliance periods were recommended for closely monitoring the progress on compliance with approval conditions.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (c) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2014;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2014;
- (f) in relation to (e) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2014;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;

- (i) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

137. The Committee also agreed to advise the applicant of the following :

- “
- (a) prior planning permission should have been obtained before commencing the applied use at the site;
  - (b) shorter compliance periods are imposed to monitor the situation of the site and the progress on compliance with approval conditions. Sympathetic consideration may not be given by the TPB to any further application if the planning permission is revoked again due to non-compliance of approval conditions;
  - (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
  - (d) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No approval has been given for the specified 1-2 storey structure as eating

place and ancillary storage use. No permission has been given for the occupation of the Government land within the site. The lot owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the Government land portion from the site or apply for a formal approval prior to the actual occupation of the Government land portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is abutting to Tai Tong Shan Road via a strip of Government land. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (e) to note the Commissioner for Transport's comments that no vehicle is allowed to park on public roads. Sufficient space should also be provided within the site for manoeuvring of vehicles;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Tai Tong Shan Road;
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to safeguard the environment and the requirements stipulated in the Water Pollution Control Ordinance (the Ordinance) for all wastewater from the site that a proper discharge license shall be applied under the Ordinance;
- (h) to note the Director of Food and Environmental Hygiene (DFEH)'s comments that any food business carrying on at the site should be granted

with a valid food licence issued by DFEH and in compliance with any requirements/conditions stipulated by relevant departments. Also, no sanitary nuisance should be created to the surrounding during the operation of the food business;

- (i) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
  
- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. The site shall be provided with means of obtaining access

thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)Rs at the building plan submission stage; and

- (k) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

**Agenda Item 37**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/327            Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lots 4891 RP (Part), 4892 (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Tai Tong, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TT/327)

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Presentation and Question Sessions

138.        Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)        background to the application;
- (b)        the temporary shop and services (real estate agency) under application for a period of 3 years;
- (c)        departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservation on the application from the landscape planning perspective as approval of the proposed use would set an undesirable precedent to attract more commercial uses into the “Village Type Development” (“V”) zone that would further change or disturb the landscape quality of the area. Moreover, despite several approvals of extension of time for compliance with planning conditions of the previously approved application, the submission of tree preservation and landscape proposals was still not satisfactory. The applicant’s commitment to fulfil the requirements of planning conditions was in doubt;
- (d)        during the first three weeks of the statutory publication period and the

publication of the further information, a total of three public comments objecting to the application were received. One of the commenters (i.e. a representative of the nearby residents), enclosing 52 signatures and photos, objected to the application mainly on the grounds of pedestrian safety and visual and environmental/sewerage impacts generated by the development; there were illegal structures within the site and that the site was actually used for storage of vehicles for sale; and there was no pressing demand for the real estate agencies. The other two commenters objected to the application mainly on the grounds that the site was not being used for the real estate agency; and the applicant had no sincerity to comply with the relevant approval conditions as evidenced by the previous revocations. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
  - (i) two planning permissions (Applications No. A/YL-TT/289 and 302) were previously granted to the same applicant of the current application for the same applied use at the same site taking into account that the development was considered not incompatible with the surrounding land uses and that the potential adverse impacts arising from the development could be adequately mitigated by imposition of relevant approval conditions. Application No. A/YL-TT/289 was revoked in 2012 as no submission had ever been made by the applicant for the compliance with the approval conditions. For Application No. A/YL-TT/302, extension of compliance time limit had been granted five times up to 18 months and only the approval conditions on the submission and implementation fire service installations (FSIs) proposal had been fulfilled. The approval was subsequently revoked in 2013. In view of repeated non-compliances with approval conditions, the applicant failed to demonstrate the genuine efforts in compliance

with the approval conditions;

- (ii) although the applicant had submitted run-in/out, parking arrangement, landscape and tree preservation, FSIs and drainage proposals in support of the application, except the submitted run-in/out and FSIs proposals being considered acceptable, the other proposals had yet to be accepted by relevant Government departments. No further submissions had been submitted by the applicant to address the latest departmental concerns. In this regard, the applicant failed to demonstrate that the development would not cause adverse traffic, drainage and landscape impacts on the surrounding area;
- (iii) it was doubtful as to whether the negative impacts of the development and the concerns of relevant Government departments could be effectively addressed by imposition of approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

139. Members had no question on the application.

#### Deliberation Session

140. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “ (a) the applicant fails to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area; and

- (b) previous planning permissions granted to the applicant under Applications No. A/YL-TT/289 and 302 were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

### **Agenda Item 38**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/329            Proposed Temporary School of Martial Arts for a Period of 3 Years in  
“Residential (Group D)” Zone, Lot 3267 RP in D.D. 116, Tai Shu Ha  
Road East, Tai Tong, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TT/329)

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#### **Presentation and Question Sessions**

141.        Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary school of martial arts under application for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) commented that there were residential dwellings within 100m of the site and environmental nuisance was expected from the dragon and lion dancing activities. Although the applicant indicated that such activities would be confined to a proposed enclosed structure which will be lined

with noise absorbing material, no detail of the structure mentioned was submitted. DEP therefore could not lend support to the application in the absence of essential information;

- (d) during the first three weeks of the statutory publication period, four public comments were received. The commenters raised objections to or concerns on the application mainly for reasons that the proposed development would affect the peaceful village environment near the Tin Hau Temple and fung shui of the area; the noise nuisance generated by the proposed uses; and worsening of public security with additional visitors entering the village. One commenter suspected the site would be used for open storage use and raised concerns on the potential disturbances. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
  - (i) the proposed development was not entirely in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone and the applicant failed to demonstrate that such temporary development was compatible with the neighbourhood and would not create adverse impacts on the surrounding environment. The proposed development would likely generate environmental nuisance to the nearby residents and was therefore not compatible with the surrounding land uses. In this regard, DEP did not support the application; and
  - (ii) although Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no in-principle objection to the application, the submitted drainage proposal had yet to be accepted by CE/MN, DSD. The applicant failed to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surrounding areas; and

- (iii) the approval of the application would set an undesirable precedent for similar applications to proliferate into the “R(D)” zone, causing nuisance to the surrounding rural environment

142. Members had no question on the application.

### Deliberation Session

143. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- “ (a) the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (b) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “Residential (Group D)” zone causing nuisance to the rural environment of the area.”

### Agenda Item 39

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/674      Proposed Eating Place with Ancillary Parking Spaces in “Residential (Group B)1” Zone, Lot 1355 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories  
(RNTPC Paper No. A/YL-TYST/674)

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#### Presentation and Question Sessions

144. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place with ancillary parking spaces;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. There was currently no programme for residential development at the site, however the proposed eating place would frustrate the long term planning intention of the “Residential (Group B)1” (“R(B)1”) zone. It was considered that a temporary planning approval for a period of 3 years, instead of permanent permission as applied for, could be considered without affecting the long-term development of the site.

145. In response to a Member’s question, Ms Bonita K.K. Ho explained that the site and the adjoining temporary social welfare centre, formed part of the ex-Wai Kwan Primary School site. Although there was currently no programme for residential development, it fell within an area zoned “R(B)1” of which the planning intention was primarily for sub-urban medium-density residential developments. A temporary planning approval was therefore proposed so that it would not jeopardise the long-term planning intention of the “R(B)1” zone.

### Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 11:00 p.m. and 12:00 noon, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no outdoor seating accommodation, as proposed by the applicant, is allowed at the site at any time during the planning approval period;
- (c) no sound or audio equipment, as proposed by the applicant, are allowed to be used in the open areas of the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no queuing and reverse movement of vehicle onto/from public road are allowed at any time during the planning approval period;
- (e) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 25.10.2014;
- (f) in relation to (e) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.1.2015;
- (g) the submission of landscape and tree preservation proposals, including tree survey, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;

- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (k) if the above planning condition (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

147. The Committee also agreed to advise the applicant of the following :

- “ (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD)’s comments that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No approval has been given for the four specified structures for seating area, kitchen and toilet uses. Modification of Tenancy (MOT) No. M23049 was issued for the erection of structures for the use of latrine, classroom, kitchen and accommodation and church on Lot 1355 RP in D.D. 121. Change of use of the MOT will cause a breach of terms of the

MOT concerned. The owners concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is abutting to Tong Yan San Tsuen Road via a small parcel of Government land. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (c) to note the Commissioner for Transport's comments that sufficient manoeuvring spaces shall be provided within the site;
- (d) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that if the proposed run-in/out is agreed by the Transport Department, the applicant should construct a run-in/out at the access point at Tong Yan San Tsuen Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Tong Yan San Tsuen Road;
- (e) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that according to the aerial photo taken on 30.6.2014, there are several large trees located in the southern portion of the site which are not indicated on the Schematic Layout Plan. A tree survey should be conducted and all existing trees on site should be accurately marked on plan and protected from damage;
- (f) to adopt the latest "Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;

- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the Director of Food and Environmental Hygiene (DFEH)’s comments that any food business carrying on at the site should be granted with a valid food licence issued by DFEH and in compliance with any requirements/conditions stipulated by relevant departments. Also, no sanitary nuisance should be created to the surrounding during the operation of the food business; and
- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)’s comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including temporary buildings) are to be carried out on leased land in the site, the prior approval

and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. If the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)Rs at the building plan submission stage."

[The Chairman thanked Mr K.C. Kan, Mr Vincent T.K. Lai and Ms Bonita K.K. Ho, for their attendance to answer Members' enquiries. They left the meeting at this point.]

#### **Agenda Item 40**

##### **Section 16 Application**

[Open Meeting]

A/YL/203

Proposed Shop and Services and Eating Place in "Residential (Group B)" Zone, Lot 4537 RP in D.D. 116, Tai Kei Leng, Yuen Long, New Territories  
(RNTPC Paper No. A/YL/203)

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148. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (HLD). The following Members had declared

interests in this item :

- Professor S.C. Wong ] being an employee of the University of Hong Kong which  
(the Vice-chairman) had received a donation from a family member of the  
Chairman of HLD
- Mr H.F. Leung ]
- Dr W.K. Yau - being the Chief Executive Officer of Tai Po  
Environmental Associated Ltd. which had received  
donation from HLD
- Professor K.C. Chau - being an employee of the Chinese University of Hong  
Kong which had received donation from a family member  
of the Chairman of HLD
- Mr Ivan C.S. Fu ] having current business dealings with HLD
- Ms Janice W.M. Lai ]

149. Members noted that Mr H.F. Leung and Mr Ivan C.S. Fu had tendered apologies for being unable to attend the meeting and Professor S.C. Wong, Dr W.K. Yau and Ms Janice W.M. Lai had left the meeting already. Members also noted that the applicant had requested for deferment of consideration of the application and Professor K.C. Chau had no involvement in this application. Members agreed that Professor K.C. Chau could stay in the meeting.

150. The Secretary reported that on 15.4.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare a traffic impact assessment to address the comments of the Commissioner for Transport. This was the first time that the applicant requested for deferment.

151. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant.

The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 41**

#### Any Other Business

#### Section 16A Application

[Open Meeting]

A/YL-KTS/608-1      Section 16A Application No. A/YL-KTS/608-1  
Application for Extension of Time for Compliance with Planning  
Condition, Lot 1638 RP (Part) in D.D. 106 and Adjoining Government  
Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/608-1)

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152.        The Secretary reported an application for extension of time (EOT) for compliance with planning conditions (e), (f), (h), (g) and (i) under application No. A/YL-KTS/608 was received on 8.4.2014. The application had been approved with conditions by the Committee on 11.10.2013 for temporary shop and services (real estate agency) for a period of 3 years up to 11.10.2016. Approval condition (e) was related to the submission of a record of existing drainage facilities on the site within 6 months until 11.4.2014. Approval condition (f) was related to the submission of landscaping and tree preservation proposals within 6 months until 11.4.2014. Approval condition (g) was related to the implementation of the landscaping and tree preservation proposals within 9 months until 11.7.2014. Approval condition (h) was related to the submission of a fire service installations proposal within 6 months until 11.4.2014. Approval condition (i) was related to the provision of fire service installations within 9 months until 11.7.2014. The current EOT application was received on 8.4.2014, which was only three working days before the expiry of the specified time limit for conditions (e), (f) and (h) on 11.4.2014. According to the Town Planning Board Guidelines No. 34B for

‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. Hence, the application was recommended not to be considered.

153. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reason that conditions (e), (f) and (h) had already expired on 11.4.2014, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked, the Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

154. There being no other business, the meeting was closed at 6:55 p.m..